

EL MONTE MUNICIPAL CODE 2000

**A Codification of the General Ordinances
of the City of El Monte, California**

Edited, Indexed and Published by

**LexisNexis Municipal Codes
Matthew Bender & Company, Inc.
701 East Water Street
Charlottesville, VA 22902
1-866-501-5155**



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PREFACE

The El Monte Municipal Code, originally published by Book Publishing Company in 2000, has been kept current by regular supplementation by Matthew Bender & Company, Inc., its successor in interest.

During original codification, the ordinances were compiled, edited and indexed by the editorial staff of Book Publishing Company under the direction of Rachel Montes, Mayor, and Lorene Gutierrez, City Clerk.

The code is organized by subject matter under an expandable three-factor decimal numbering system, which is designed to facilitate supplementation without disturbing the numbering of existing provisions. Each section number designates, in sequence, the numbers of the title, chapter, and section. Thus, Section 5.12.050 is Section .050, located in Chapter 5.12 of Title 5. In most instances, sections are numbered by tens (.010, .020, .030, etc.), leaving nine vacant positions between original sections to accommodate future provisions. Similarly, chapters and titles are numbered to provide for internal expansion.

In parentheses following each section is a legislative history identifying the specific sources for the provisions of that section. This legislative history is complemented by a prior code cross-reference table, which sets out the location of individual sections of the prior code, and an ordinance disposition table, following the text of the code, listing by number all ordinances, their subjects, and where they appear in the codification.

A subject-matter index, with complete cross-referencing, locates specific code provisions by individual section numbers.

This supplement brings the code up to date through Ordinance 2712, passed November 20, 2007.

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Do Not File...

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Code

Instructions

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I. HOW TO USE YOUR CODE

This code is organized to make the laws of the city as accessible as possible to city officials, city employees and private citizens. Please take a moment to familiarize yourself with some of the important elements of this code.

Numbering System. The numbering system is the backbone of a code of ordinances; Matthew Bender & Company, Inc. uses a unique and versatile numbering structure that allows for easy expansion and amendment of this code. It is based on three tiers, beginning with **title**, then **chapter**, and ending with **section**. Each part is represented in the code section number. For example, Section 2.04.010 is Section .010, in Chapter 2.04 of Title 2.

Title. A title is a broad category under which ordinances on a related subject are compiled. This code contains about 15 to 20 titles. For example, the first title is Title 1, General Provisions, which may contain ordinances about the general penalty, code adoption and definitions. The titles in this code are separated by tabbed divider pages for quick reference. Some titles are **Reserved** for later use.

Chapter. Chapters deal with more specific subjects, and are often derived from one ordinance. All of the chapters on a related subject are grouped in one title. The chapters are numbered so that new chapters which should logically be placed near certain existing chapters can be added at a later time without renumbering existing material. For example, Chapter 2.06, City Manager, can be added between 2.04, City Council, and Chapter 2.08, City Attorney.

Section. Each section of the code contains substantive ordinance material. The sections are numbered by “tens” to allow for expansion of the code without renumbering.

Tables of Contents. There are many tables of contents in this code to assist in locating specific information. At the beginning of the code is the main table of contents listing each title. In addition, each title and chapter has its own table of contents listing the chapters and sections, respectively.

Ordinance History Note. At the end of each code section, you will find an “ordinance history note,” which lists the underlying ordinances for that section. The ordinances are listed by number, section (if applicable) and year. (Example: (Ord. 272 § 1, 1992).) This note will be updated by Matthew Bender & Company, Inc. as each section is amended, with the most recent amendment added to the beginning. The notation “(part)” is used when the code section contains only part of the ordinance (or section of the ordinance) specified; this indicates that there are other areas of the code affected by the same ordinance (or section of the ordinance). If the code section was derived from an earlier codification, the last entry in the note indicates the old or “prior code” section number.

Statutory References. The statutory references direct the code user to those portions of the state statutes that are applicable to the laws of the municipality. As the statutes are revised, these references will be updated by Matthew Bender & Company, Inc.

Cross-Reference Table. When a code is based on an earlier codification, the cross-reference table will help users find older or “prior” code references in the new code. The cross-reference table is located near the end of the code, under the tabbed divider “Tables.” This table lists the prior code section in the column labeled “Prior Code Section” and the new code section in the column labeled “Herein.” This table will be updated as prior code sections are renumbered or repealed.

Ordinance List and Disposition Table. To find a specific ordinance in the code, turn to the section called “Tables” for the Ordinance List and Disposition Table. This very useful table tells you the status of every ordinance reviewed by Matthew Bender & Company, Inc. The table is organized by ordinance number and provides a brief description and the disposition of the ordinance. If the ordinance is codified, the chapter (or

chapters) will be indicated. (Example: (2.04, 6.12, 9.04).) If the ordinance is of a temporary nature or deals with subjects not normally codified, such as budgets, taxes, annexations or rezones, the disposition will be “(Special).” If the ordinance is for some reason omitted from the code, usually at the direction of the municipality, the disposition will be “(Not codified).” When an ordinance is repealed, the disposition will be changed by Matthew Bender & Company, Inc. to “(Repealed by Ord.)” with the appropriate ordinance number. Other dispositions sometimes used are “(Tabled),” “(Pending),” “(Number Not Used)” or “(Missing).”

Index. If you're not certain where to look for a particular subject in this code, start with the index. This is an alphabetical multi-tier subject index which uses section numbers as the reference, and cross-references where necessary. Look for the main heading of the subject you need, then the appropriate subheadings:

BUSINESS LICENSE

See also BUSINESS TAX

Fee 5.04.030

Required when 5.04.010

The index will be updated as necessary when the code text is amended.

Insertion Guide. Each supplement to the new code will be accompanied by an Insertion Guide. This guide will tell the code user the date of the most recent supplement and the last ordinance contained in that supplement. It will then list the pages that must be pulled from the code and the new pages that must be inserted. Following these instructions carefully will assure that the code is kept accurate and current.

Page Numbers. When originally published, this code was numbered with consecutive page numbers. As it is amended, new material may require the insertion of new pages that are numbered with hyphens. (Example: 31, 32, 32-1.) Backs of pages that are blank (in codes that are printed double-sided) are left unnumbered but the number is “reserved” for later use.

If you have any questions about this code or our services, please contact your editor at 1-800-446-3410 or your customer care representative at 1-866-501-5155, or write to us at the following address:

LexisNexis Municipal Codes
Matthew Bender & Company, Inc.
701 East Water Street
Charlottesville, VA 22902

II. DRAFTING AND SENDING YOUR ORDINANCES TO LEXISNEXIS

In drawing up ordinances, it is important to designate *in the ordinance text* what specific portions of the code are affected. The history note in parentheses at the end of each code section documents those ordinance(s) underlying the section being changed. Clearly indicate whether the ordinance adds, amends, repeals and replaces, or simply repeals the affected section.

The title of an ordinance and any introductory language appearing before the ordaining clause has no legal effect. The title (or the summary words appearing with it) may state that the ordinance repeals (or amends or adds) certain provisions, but in order for these changes to be effective, the intended repeal, amendment or addition *must* be set out following the ordaining clause. If you have any questions as to the proper placement of a new provision, please contact us.

When Amending Existing Code Material.

Amend the code section specifically. The underlying ordinance section may also be included.

Examples: § 3.04.020 of the _____ Municipal Code is amended to read as follows:
§ 3 of Ord. 319 and § 3.04.020 of the _____ Municipal Code are amended to read as follows:

If only a portion of a section is being amended, designate the specific portion:

Example: § 3.04.050(A)(2) of the _____ Municipal Code is amended to read as follows:

When Repealing Existing Code Material.

When repealing material, designate the specific portion of the code to be repealed. Include the underlying ordinance section if you wish; however, we consider *both* code section and underlying ordinance to be repealed whether you mention the underlying ordinance or not.

Examples: § 3.04.020 of the _____ Municipal Code is repealed.
§ 3 of Ord. 319 and § 3.04.020 of the _____ Municipal Code are repealed.
Subsection B of § 3.04.030 of the _____ Municipal Code is repealed.

When Adding New Material to Code.

When new provisions are to be added to the code, determine where the material would best fit within the subject matter of the existing section, chapter or title. If there is no existing section, chapter or title, you should assign a new section, chapter or title number. Our expandable decimal numbering system is designed to allow for the incorporation of new material without disturbing the numbering system of existing material.

The following language is sufficient to locate new material in the code:

Subsection D is added to § 5.10.040 of the _____ Municipal Code, to read as follows:
§ 5.10.033 is added to the _____ Municipal Code, to read as follows:
Chapter 12.07 is added to the _____ Municipal Code, to read as follows:

Formatting.

For every page please create a footer which contains: the ordinance no., attachment/exhibit no. (if any) and the page number. Don't use shadow bars, borders or other highlighting. It helps if you can format the ordinance as much like the codebook page as possible.

Electronic Submission.

In the interests of accuracy and speed, we encourage you to submit your ordinances electronically if at all

possible. We can accept most any file format, including Word, WordPerfect or text files. If you have a choice, we prefer Word, any version. You can send files to us as an e-mail attachment, by FTP, on a diskette or CD-ROM. Electronic files enable us not only to get you your code quicker but also ensure that it is error-free. Our e-mail address is: **ordinances@lexisnexis.com**.

For hard copy, send *two* copies of all ordinances passed to:

LexisNexis Municipal Codes
Matthew Bender & Company, Inc.
701 East Water Street
Charlottesville, VA 22902

Our editorial staff is always willing to provide assistance should there be any difficulty in amending the code. Please call your editor at 1-800-446-3410 or your customer care representative at 1-866-501-5155.

CITY OF EL MONTE MUNICIPAL CODE

**CITY OF EL MONTE
INCORPORATED 1912**

CITY COUNCIL

MAYOR RACHEL MONTES

VICE MAYOR ANTHONY R. FELLOW, Ph.D.

COUNCIL MEMBER ART BARRIOS

**COUNCIL MEMBER ERNEST G.
GUTIERREZ**

COUNCIL MEMBER JACK THURSTON

**CITY TREASURER
HENRY J. VELASCO**

**CITY CLERK
LORENE GUTIERREZ**

**CITY MANAGER
HAROLD O. JOHANSON**

**ASSISTANT CITY MANAGER
JUAN D. MIRELES**

Do Not File...

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*1 General
Provisions*

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Title 1

GENERAL PROVISIONS

Chapters:

- 1.01 Code Adoption**
- 1.04 General Provisions**
- 1.08 City Seal**
- 1.12 Elections**
- 1.16 Arrest and Citation Procedure**
- 1.18 Administrative Citations**
- 1.19 Administrative Compliance Citations**
- 1.20 Administrative Inspections**
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Chapter 1.01

CODE ADOPTION

Sections:

1.01.010	Short title—Reference to code.
1.01.020	Codification authority.
1.01.030	Effective date.
1.01.040	Effect of code on past actions and obligations.
1.01.050	Construed as restatement.
1.01.060	Reference to specific ordinances.
1.01.070	Validity of code.
1.01.080	Repeal.
1.01.090	Maintenance of code.

1.01.010 Short title—Reference to code.

This code shall be known as the "El Monte Municipal Code," and it shall be sufficient, in any prosecution for the violation of any provisions thereof, to refer to said code as the El Monte Municipal Code, or to refer to any article, chapter, part or section thereof by referring to the article number, chapter number, part number or section number immediately preceding such article, chapter, part or section. It shall also be sufficient to designate any ordinance adding to, amending, or repealing, said code, or portions thereof, as an addition or amendment to, or a repeal of, the El Monte Municipal Code, or a portion thereof. (Prior code § 1100)

1.01.020 Codification authority.

This record consists of all of the regulatory and penal and of certain of the administrative ordinances of the city codified. (Amended during 1999 recodification; prior code § 1101)

1.01.030 Effective date.

This code takes effect upon the effective date of Ordinance No. 500 of the City Council of the city of El Monte whereby this code is adopted by reference. (Prior code § 1102)

1.01.040 Effect of code on past actions and obligations.

Neither the adoption of this code nor the repeal of any ordinance of this city shall in any manner affect the prosecution for violations of ordinances, which violations were committed prior to the effective date hereof, nor be construed as a waiver of any license or penalty at said effective date due and unpaid under such ordinances, nor be construed as affecting any of the provisions of such ordinances relating to the collection of any such license

or penalty or the penal provisions applicable to any violation thereof, nor to affect the validity of any bond or cash deposit in lieu thereof, required to be posted, filed or deposited pursuant to any ordinance, and all rights and obligations thereunder appertaining shall continue in full force and effect. (Prior code § 1103)

1.01.050 Construed as restatement.

The provisions of this code, insofar as they are substantially the same as ordinance provisions previously adopted by the city relating to the same subject matter, shall be construed as restatements and continuations, and not as new enactments. (Prior code § 1103.1)

1.01.060 Reference to specific ordinances.

The provisions of this code shall not in any manner affect deposits or other matters of record which refer to, or are otherwise connected with ordinances which are therein specifically designated by number or otherwise and which are included within this code, but such reference shall be construed to apply to the corresponding provisions contained within this code. (Prior code § 1104)

1.01.070 Validity of code.

If any section, subsection, sentence, clause, phrase or portion of this code is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this code. The City Council declares that it would have adopted this code and each section, subsection, sentence, clause, phrase, or portion thereof, irrespective of the fact that any one or more sections, subsections, phrases, or portions be declared invalid or unconstitutional. (Prior code § 1105)

1.01.080 Repeal.

All ordinances or portions of ordinances in conflict with the provisions of this code are repealed. (Prior code § 1106)

1.01.090 Maintenance of code.

In accordance with the provisions of Section 36971 of the Government Code of the state of California, not less than three (3) copies of this code shall be maintained permanently by the City Clerk or available for public inspection. At least three (3) copies, duly certified to by the city clerk, shall be permanently bound and maintained on file in his or her office. Additional copies shall be prepared in loose-leaf form and shall be mounted to withstand heavy usage in such binders as the City Clerk may prescribe. Copies thereof shall be distributed to the departments and divisions of the city as shall be pre-

1.01.090

scribed by the Administrative Officer. (Amended during
1999 recodification; prior code § 1107)

Chapter 1.04

GENERAL PROVISIONS

Sections:

- 1.04.010 Construction—Provisions governing.**
- 1.04.020 Headings—Effect of.**
- 1.04.030 Reference to acts or omissions within this city.**
- 1.04.040 Prohibited acts include causing, permitting or suffering.**
- 1.04.050 Acts by deputy.**
- 1.04.060 Writing—Includes what.**
- 1.04.070 Reference applies to amendments.**
- 1.04.080 Notices—Service of.**
- 1.04.090 Proof of notice.**
- 1.04.100 Tenses.**
- 1.04.110 Gender.**
- 1.04.120 Number.**
- 1.04.130 Definitions.**
- 1.04.140 Interpretation of language.**
- 1.04.150 Acts by agents.**
- 1.04.160 Computation of time.**
- 1.04.170 Repeal shall not revive any ordinances.**

1.04.010 Construction—Provisions governing.

Unless the provisions of the context otherwise require, these general provisions, rules of construction and definitions shall govern the construction of this code. The provisions of this code and all proceedings under it are to be construed with a view to effect its objects and to promote justice. (Prior code § 1300 (part))

1.04.020 Headings—Effect of.

Title, article, chapter and section headings contained herein shall not be deemed to govern, limit, modify or in any manner affect the scope, meaning or intent of the provisions of any title, article, chapter or section hereof. (Amended during 1999 recodification; prior code § 1301)

1.04.030 Reference to acts or omissions within this city.

This code shall refer only to the omission or commission of acts within the territorial limits of the city and to that territory outside of the city over which the city has jurisdiction or control by virtue of the Constitution, or any law, or by reason of ownership or control of property. (Prior code § 1302 (part))

1.04.040 Prohibited acts include causing, permitting or suffering.

Whenever in this code any act or omission is made unlawful, it shall include causing, permitting, aiding, abetting, suffering or concealing such act or omission. (Prior code § 1303 (part))

1.04.050 Acts by deputy.

Whenever a power is granted to, or a duty is imposed upon a public officer, or employee, the power may be exercised, or the duty may be performed by a deputy of such officer or employee or by a person otherwise duly authorized pursuant to law or ordinance, unless this code expressly provides otherwise. (Prior code § 1304)

1.04.060 Writing—Includes what.

Writing includes any form of recorded message capable of comprehension by ordinary visual means. Whenever any notice, report, statement or record is required or authorized by this code, it shall be made in writing in the English language unless it is expressly provided otherwise. (Prior code § 1305)

1.04.070 Reference applies to amendments.

Whenever a reference is made to any portion of this code, or to any ordinance of this city, the reference applies to all amendments and additions now or hereafter made. (Prior code § 1306 (part))

1.04.080 Notices—Service of.

Whenever a notice is required to be given under this code, unless different provisions herein are otherwise specifically made, such notice may be given either by personal delivery thereof to the person to be notified, or by deposit thereof in the custody of the United States Postal Service or its lawful successor, in a sealed envelope, postage prepaid, addressed to such person to be notified, at his or her last known business or residence address as the same appears in the public records of the city or other records pertaining to the matter to which such notice is directed. Service shall be deemed given as of the time of personal service or two (2) consecutive calendar days following the deposit of the same in the custody of the United State Postal Service. (Amended during 1999 recodification; prior code § 1307 (part))

1.04.090 Proof of notice.

Proof of giving any notice may be made by the certificate of any officer or employee of the city, or by affidavit of any person over the age of eighteen (18) years, which shows service in conformity with this code, or other provi-

sions of law applicable to the subject matter concerned. (Prior code § 1308)

1.04.100 Tenses.

The present tense includes the past and future tenses, and the future, the present. (Prior code § 1309 (part))

1.04.110 Gender.

The masculine gender includes the feminine and neuter. (Prior code § 1310 (part))

1.04.120 Number.

The singular number includes the plural, and the plural, the singular. (Prior code § 1311 (part))

1.04.130 Definitions.

The following words and phrases shall be defined for the purposes of this code as set forth below unless the context clearly requires a different interpretation:

1. "Chief of Police" means the Chief of the Police Department of the city.
2. "City" means the city of El Monte.
3. "City Administrator" means the appointed official of the city who occupies the position of the chief administrative officer of the city.
4. "Council" means the City Council of this city.
5. "County" means the county of Los Angeles.
6. "Fire Chief" means the Chief of the Fire Department of Los Angeles County.
7. "Goods" means and includes wares or merchandise.
8. "Law" denotes applicable federal law, the Constitution and statutes of the state of California, the ordinances of the city, and when appropriate, any and all rules and regulations which may be promulgated thereunder.
9. "Month" means a calendar month.
10. Must, Shall and May. "Must" and "shall" are mandatory, and "may" is permissive.
11. "Oath" means and includes affirmation.
12. Office. The use of the title of any officer, employee, office or ordinance means such officer, employee, office or ordinance, respectively, of the city.
13. "Operate" means and includes carry on, keep, conduct or maintain.
14. "Ordinance" means ordinance of the city.
15. "Owner," applied to a building or land, means and includes any part owner, joint owner, tenant, tenant in common or joint tenant of the whole or a part of such building or land.
16. "Person" means and includes a natural person, any legal entity and unincorporated organization.
17. "Personal property" means and includes money, goods, chattels, things in action and evidences of debt.

18. "Preceding" and "following" mean next before and next after, respectively.

19. "Property" means and includes real and personal property.

20. "Real property" means and includes lands, tenements and hereditaments.

21. "Sale" means and includes any sale, exchange, barter or offer for sale.

22. "Sidewalk" means that portion of a street between the curbline and the adjacent property line intended for the use of pedestrians.

23. "State" means the state of California.

24. "Street" means and includes all streets, highways, avenues, lanes, alleys, courts, places, squares, sidewalks, parkways, curbs, or other public ways in this city which have been or may hereafter be dedicated and open to public use, or such other public property so designated in any law of this state.

25. "Tenant" or "occupant," applied to a building or land, means and includes any person who occupies the whole or part of such building or land, whether alone or with others.

26. "Written" means and includes printed, typewritten, mimeographed, multigraphed, or otherwise reproduced in permanent visible form.

27. "Year" means a calendar year. (Ord. 2599 § 1, 2003; amended during 1999 recodification; prior code § 1312—1329 (part))

1.04.140 Interpretation of language.

All words and phrases shall be construed according to the common and approved usage of the language, but technical words and phrases and such others as may have acquired a peculiar and appropriate meaning in the law shall be construed and understood according to such peculiar and appropriate meaning. (Added during 1999 recodification)

1.04.150 Acts by agents.

When an act is required by an ordinance, the same being such that it may be done as well by an agent as by the principal, such requirement shall be construed to include all such acts performed by an authorized agent. (Added during 1999 recodification)

1.04.160 Computation of time.

Except when otherwise provided, the time within which an act is required to be done shall be computed by excluding the first day and including the last day, unless the last day is Sunday or a holiday, in which case it shall also be excluded. (Added during 1999 recodification)

**1.04.170 Repeal shall not revive any
 ordinances.**

The repeal of an ordinance shall not repeal the repealing clause of an ordinance or revive any ordinance which has been repealed thereby. (Added during 1999 recodification)

Chapter 1.08**CITY SEAL****Sections:**

- 1.08.010 City seal.**
- 1.08.020 Use of “city seal”—Restrictions on use.**
- 1.08.030 Use of “city seal”—Authorized use.**
- 1.08.040 Commercial use of city seal prohibited.**
- 1.08.050 Imitation of city seal prohibited.**

1.08.010 City seal.

There shall be provided for the city a common seal of which the City Clerk shall be the custodian and which shall be of the description following, to wit:

A circular space of two inches in diameter, around the upper circumference of which shall be the words “City of El Monte” with two stars on each side of the phrase. Around the lower circumference shall be the words “California”. Inside of said words shall be a circle seven thirty-seconds inches in width. Inside the circle shall be the words “End of the Santa Fe” in the upper circumference, and the word “Trail” in the lower circumference. A yellow ribbon seven thirty-seconds inches in width will span horizontally across the entire width of the seal and will have words which read “Inc. 1912”. The interior diameter of the seal shall be one inch and three-sixteenths inches in width and contains a covered wagon; a trail; a structure situated on green hills, and brown mountains located against light blue sky and white puffy clouds.

This common seal of the city shall hereinafter be referred to in this chapter as the “city seal.”

“City seal” shall mean and include any and all logos and multiple seals used by the city of El Monte in its regular course of business. For the purpose of this chapter, any additions, corrections and/or deletions made to the city seal shall be done through a resolution. (Ord. 2651 § 1, 2005; Ord. 2589 § 1, 2003: editorially amended during 1999 recodification; prior code § 2700)

1.08.020 Use of “city seal”—Restrictions on use.

No person shall place the “city seal” or any copy, facsimile or reproduction thereof on any written or printed material supporting or opposing any candidate or candidates for any elective public office or supporting or oppos-

ing any state or Federal legislation or any local or statewide referendum, initiative, or other ballot measure, and no person shall circulate or distribute any such written or printed material containing or bearing the “city seal” or any copy, facsimile or reproduction thereof. (Ord. 2589 § 2 (part), 2003)

1.08.030 Use of “city seal”—Authorized use.

A. Authorized Uses. Section 1.08.020 of this chapter shall not prohibit:

1. Certain Uses Authorized by Council. Use of the city seal or a copy, facsimile or reproduction thereof on written material in support of, or in opposition to, any state or Federal legislation or statewide referendum, initiative or other ballot measure when specifically authorized by resolution of the City Council.

2. Use on City Letterhead. Use of the city letterhead bearing the city seal by a member of the City Council for individual correspondence, or the reproduction and distribution of such a letter by its recipient, provided such reproduction comes at no cost to the city.

B. Unauthorized Use. Nothing in this section shall be deemed to authorize the mass production, mass mailing or mass distribution of any such letter or written material on city stationery (including city stationery or written material bearing the city seal) or otherwise at the city’s expense, or any use of public funds in connection with any political campaign or issue. Such use of city stationery or other written material bearing the city seal shall be prohibited. (Ord. 2589 § 2 (part), 2003)

1.08.040 Commercial use of city seal prohibited.

No person shall place the city seal or any copy, facsimile or reproduction thereof on any written or printed material for any commercial, business or private purpose unless specifically authorized by resolution of the City Council. (Ord. 2589 § 2 (part), 2003)

1.08.050 Imitation of city seal prohibited.

No person shall place any imitation of the city seal on any written or printed material which is designed, calculated, intended or likely to confuse, deceive or mislead the public or cause the reader of such written or printed material to believe it to be an official city publication, and no person shall circulate or distribute any such written or printed material within the city. (Ord. 2589 § 2 (part), 2003)

City Seal



Chapter 1.12
ELECTIONS
(Reserved)

Chapter 1.16

ARREST AND CITATION PROCEDURE

Sections:

- 1.16.010** **Violation of code—Notice to appear.**
- 1.16.020** **Contents of a notice to appear—General.**
- 1.16.030** **City Code Enforcement Officer—Powers and duties.**
- 1.16.040** **Notices of parking violation.**
- 1.16.050** **Code Enforcement Division—Reference to.**
- 1.16.060** **Code Enforcement Supervisor—Reference to.**
- 1.16.070** **Code Enforcement Officer—Reference to.**
- 1.16.080** **Interference prohibited.**
- 1.16.090** **Community Development Department—Engineering Division—Powers and duties.**
- 1.16.100** **Fire Prevention Bureau—Powers and duties.**
- 1.16.110** **Parking Control Officers—Powers and duties.**

1.16.010 **Violation of code—Notice to appear.**

When any person is arrested in the city for violating any provision or failing to comply with any of the requirements of this code, and such person is not immediately taken before a magistrate as provided in the Penal Code of the state, the arresting officer shall prepare in duplicate a written notice to appear in court, which notice shall contain the name and address of such person to whom the notice is issued, the offense charged against him or her, and the time and place where and when such person shall appear in court. (Prior code § 1208)

1.16.020 **Contents of a notice to appear—General.**

A. Each notice to appear issued by a peace officer of the city as provided in Section 1.16.010 or other applicable ordinance of the city shall contain such information as required by law and shall be in a form as approved by the Chief of Police and the City Attorney. The Chief of Police is authorized to make changes from time-to-time in the form of the notice to appear as may be required by changes in state law or by changes in the El Monte Municipal Code.

B. The officer shall deliver one copy of the notice to appear to the arrested person and the arrested person in order to secure release must give his or her written promise so to appear in court by signing the duplicate notice which shall be retained by the officer. Thereupon the arresting officer shall forthwith release the person arrested from custody.

C. The officer shall, as soon as practicable, file the duplicate notice with the magistrate specified therein. Thereupon the magistrate shall fix the amount of bail which in his or her judgment, in accordance with the provisions of Section 1275 of the Penal Code, will be reasonable and sufficient for the appearance of the defendant and shall indorse upon the notice a statement signed by him or her in the form set forth in Section 815a of the Penal Code. The defendant may, prior to the date upon which he or she promised to appear in court, deposit with the Magistrate the amount of bail thus set. Thereafter, at the time when the case is called for arraignment before the Magistrate, if the defendant shall not appear, either in person or by counsel, the Magistrate may declare the bail forfeited, and may in his or her discretion order that no further proceedings shall be had in such case.

Upon the making of such order that no further proceedings be had, all sums deposited as bail shall forthwith be paid into the county treasury for distribution pursuant to Section 1463 of the Penal Code.

D. No warrant shall issue on such charge for the arrest of a person who has given such written promise to appear in court, unless and until he or she has violated such promise or has failed to deposit bail, to appear for arraignment, trial or judgment, or to comply with the terms and provisions of the judgment, as required by law.

E. Any person wilfully violating his or her written promise to appear in court is guilty of a misdemeanor regardless of the disposition of the charge upon which he or she was originally arrested.

F. When a person signs a written promise to appear at the time and place specified in the written promise to appear and has not posted bail as provided in Section 853.6 of the Penal Code, the Magistrate shall issue and have delivered for execution a warrant for his or her arrest within twenty (20) days after his or her failure to appear as promised, or if such person promises to appear before an officer authorized to accept bail other than a Magistrate and fails to do so on or before the date which he or she promised to appear, then, within twenty (20) days after the delivery of such written promise to appear by the officer to a magistrate having jurisdiction over the offense.

G. When such person violates his or her promise to appear before an officer authorized to receive bail other

than a Magistrate, the officer shall immediately deliver to the Magistrate having jurisdiction over the offense charged the written promise to appear and the complaint, if any, filed by the arresting officer.

H. In addition to the members of the Police Department who, as peace officers, are charged with the enforcement of all city ordinances, the City Poundmaster, the Building Official, the City Health Inspector, the Fire Chief, the Fire Marshal, the City License Collector, and Deputy City License Collector are empowered and authorized to make arrests for violations of those provisions of this code, for the enforcement of which such respective officer is directly responsible, and each is empowered and authorized to issue notices to appear in the same manner and upon the same terms and conditions as hereinbefore specified. (Amended during 1999 recodification; prior code §§ 1210—1217)

**1.16.030 City Code Enforcement Officer—
Powers and duties.**

A. In addition to persons mentioned in Section 1.16.020H and pursuant to Penal Code Section 836.5, City Code Enforcement Officers, Senior Code Enforcement Officers, the Code Enforcement Supervisor and Housing Enforcement Officers are empowered and authorized to make arrests for violations of any provisions of this code and for violations of any provisions of each code and ordinance adopted by reference herein and for violations of statutory codes of the state for which the Officer has the duty to enforce, and are empowered and authorized to issue notices to appear in the same manner and upon the same terms and conditions as hereinbefore specified in this chapter.

B. The Community Development Director or his/her designee may appoint volunteer or special code enforcement officers whose authority shall be limited to initial inspection of premises and the issuance of notices of parking violations and warnings of violations of the El Monte Municipal Code. (Ord. 2600 § 1 (part), 2004; Ord. 2550 § 1, 2002)

1.16.040 Notices of parking violation.

The Code Enforcement Officers are empowered and authorized to issue notices of parking violation for violations of this code and state law and are authorized and empowered to remove, store and impound vehicles in accordance with the provisions of this code and state law. (Added during 1999 recodification; prior code § 1218.1)

**1.16.050 Code Enforcement Division—
Reference to.**

All references in the El Monte Municipal Code and ordinances and resolutions of the City Council that refer to the "Inspection Bureau," "Code Enforcement Bureau" and the like mean and refer to the Code Enforcement Division unless the context of such a reference may require otherwise. (Added during 1999 recodification; prior code § 1218.2)

**1.16.060 Code Enforcement Supervisor—
Reference to.**

All references in the El Monte Municipal Code and ordinances and resolutions of the City Council to the office or position of the "Inspection Bureau Supervisor," "Code Superintendent" and the like mean and refer to the Code Enforcement Supervisor unless the context of such a reference may require otherwise. (Ord. 2600 § 1 (part), 2004; added during 1999 recodification as prior code § 1218.3)

**1.16.070 Code Enforcement Officer—
Reference to.**

All references in the El Monte Municipal Code and ordinances and resolutions of the City Council to the position of "Area Inspector," "Code Inspector," "Code Enforcement Bureau Inspector" and the like mean and refer to the Code Enforcement Officer unless the context of such a reference may require otherwise. (Added during 1999 recodification as prior code § 1218.4)

1.16.080 Interference prohibited.

No person shall refuse, delay, obstruct, impede, interfere, resist or attempt to resist the Code Enforcement Officer or Code Enforcement Supervisor in the performance of his/her duty, or shall refuse to obey any lawful order of the Code Enforcement Officer or Code Enforcement Supervisor made in the performance of his/her duties within the power conferred upon him/her by state law or by the El Monte Municipal Code. (Ord. 2600 § 1 (part), 2004; added during 1999 recodification as prior code § 1218.5)

**1.16.090 Community Development
Department—Engineering
Division—Powers and duties.**

In addition to the persons mentioned in the preceding Sections 1.16.020H and 1.16.030, any full-time regular employee assigned to the Engineering Division of the

Community Development Department and designated by either the Director or the Assistant Director of Community Development as an authorized enforcement officer for said division is empowered and authorized to make arrests for violations of those provisions of this code, for the enforcement of which such respective officer is directly responsible, and is empowered and authorized to issue notices to appear in the same manner and upon the same terms and conditions as hereinbefore specified. (Amended during 1999 recodification; prior code § 1219)

1.16.100 Fire Prevention Bureau—Powers and duties.

In addition to the persons mentioned in Sections 1.16.020H, 1.16.030 and 1.16.090, any person regularly assigned to the Fire Prevention Bureau as an inspector for said bureau is empowered and authorized to make arrests for violations of any provision of this code and for violations of any provision of each code and ordinance adopted by reference herein and is empowered and authorized to issue notices to appear in the same manner and upon the same terms and conditions as hereinbefore specified in this chapter. (Prior code § 1220)

1.16.110 Parking Control Officers—Powers and duties.

In addition to persons mentioned in Sections 1.16.020(H), 1.16.030, 1.16.090 and 1.16.100, any person regularly employed by the city as a Parking Control Officer is empowered and authorized to make arrests for violations of any provision of this code and for violations of any provision of each code and ordinance adopted by reference herein and empowered and authorized to issue notices to appear in the same manner and upon the same terms and conditions as hereinbefore specified in this chapter. (Prior code § 1221)

Chapter 1.18**ADMINISTRATIVE CITATIONS****Sections:**

1.18.010	Applicability.
1.18.020	Definitions.
1.18.030	Administrative citation.
1.18.040	Amount of fines.
1.18.050	Payment of fines.
1.18.060	Hearing request.
1.18.070	Advance deposit hardship waiver.
1.18.085	Selection of Hearing Officer.
1.18.080	Hearing procedure.
1.18.090	Hearing officer's decision.
1.18.100	Late payment charges.
1.18.110	Recovery of administrative citation fines and costs.
1.18.120	Right to judicial review.
1.18.130	Notices.

1.18.010 Applicability.

A. This chapter provides for administrative citations that are in addition to all other legal remedies, criminal, civil or administrative, which may be pursued by the city to address any violation of this code.

B. The administrative citations process set forth in this chapter applies to any violation of the El Monte Municipal Code.

C. Use of this chapter shall be at the sole discretion of the city. (Ord. 2542 § 1 (part), 2001)

1.18.020 Definitions.

"Code" as used herein refers to the El Monte Municipal Code.

"Continuing violation" means a building, plumbing, electrical, or other similar structural, or zoning violation that does not create an immediate danger to health or safety.

"Department" means the department responsible for issuance of the citation. The department may be any of the following departments: Police Department, Community Development Department and/or any other department authorized to issue citations pursuant to this chapter.

"Enforcement officer" means any city employee or agent of the city with the authority to enforce any provision of this code.

"Hearing Officer" shall be a neutral person as designated by the City Attorney.

"Transient violation" means a violation which is brief or non-permanent in nature, and which can be remedied rapidly. (Ord. 2581 § 1, 2003)

1.18.030 Administrative citation.

A. Whenever an Enforcement Officer charged with the enforcement of any provision of this code determines that a transient violation of that provision has occurred, the Enforcement Officer shall have the authority to issue an administrative citation to any person responsible for the violation.

B. Whenever an Enforcement Officer charged with the enforcement of any provision of the municipal code determines that a continuing violation of that provision has occurred, the Enforcement Officer shall provide a reasonable period of time, but no more than thirty (30) days, for a person responsible for the continuing violation to correct or otherwise remedy the violation prior to the imposition of administrative fines or penalties, when the violation pertains to building, plumbing, electrical or other similar structural or zoning issues that do not create an immediate danger to health or safety.

C. Each administrative citation shall contain the following information:

1. The date of the violation;
2. The address or a definite description of the location where the violation occurred;
3. The section of this code violated and a description of the violation;
4. The type of penalty and the amount of the fine for the code violation;
5. A description of the fine payment process, including a description of the time within which and the place to which the fine shall be paid;
6. An order prohibiting the continuation or repeated occurrence of the code violation described in the administrative citation
7. A description of the administrative citation review process, including the time within which the administrative citation may be contested and the place from which a request for hearing form to contest the administrative citation may be obtained; and
8. The name and signature of the citing Enforcement Officer. (Ord. 2581 § 2, 2003)

1.18.040 Amount of fines.

A. The amounts of the fines for code violations imposed pursuant to this chapter shall be set forth in the schedule of fines established by resolution of the City Council.

B. The schedule of fines shall specify any increased fines for repeat violations of the same code provision by the same person within thirty-six (36) months from the date of an administrative citation.

C. The schedule of fines shall specify the amount of any late payment charges imposed for the payment of a fine after its due date. (Ord. 2542 § 1 (part), 2001)

1.18.050 Payment of fines.

A. The fine shall be paid to the city within thirty (30) days from the date of the administrative citation.

B. Any administrative citation fine paid pursuant to Subsection A shall be refunded in accordance with Section 1.18.090(D) if it is determined, after a hearing that the person charged in the administrative citation was not responsible for the violation or that there was no violation as charged in the administrative citation.

C. Payment of a fine under this chapter shall not excuse or discharge any continuation or repeated occurrence of the code violation that is the subject of the administrative citation. (Ord. 2542 § 1 (part), 2001)

1.18.060 Hearing request.

A. Any recipient of an administrative citation may contest that there was a violation of the code or that he or she is the responsible party by completing a Request for Hearing form and returning it to the city within twenty-one (21) days from the date of issuance of the administrative citation.

B. The request for a hearing may be made by completing a Request for Hearing form and returning it to the city within twenty-one (21) days from the date of issuance of the administrative citation, together with an advance deposit of the amount of fine specified in the administrative citation or notice that a request for an advance deposit hardship waiver has been filed pursuant to Section 1.18.070.

C. A Request for Hearing form may be obtained from the department specified on the administrative citation or from the City Clerk's Office.

D. The person requesting the hearing shall be notified of the time and place set for the hearing at least ten (10) days prior to the date of the hearing.

E. If the Enforcement Officer submits an additional written report concerning the administrative citation to the Hearing Officer for consideration at the hearing, then a copy of this report also shall be served on the person requesting the hearing at least five (5) days prior to the date of the hearing. (Ord. 2581 § 4, 2003)

1.18.070 Advance deposit hardship waiver.

A. Any person who intends to request a hearing to contest an alleged violation of the code or that he or she is the responsible party, and who is financially unable to make the advance deposit of the fine as required in Section 1.18.060(A) may file a request for an advance deposit hardship waiver.

B. The request shall be filed with the City Clerk's Office on a Deposit Hardship Waiver Application form, available from the El Monte City Clerk. The request must be filed simultaneously with the request for a hearing.

C. The requirement of depositing the full amount of the fines as described in Section 1.18.060(A) shall be stayed unless or until the Hearing Officer makes a determination not to issue the advance deposit hardship waiver.

D. The Hearing Officer may waive the requirement of an advance deposit as set forth in Section 1.18.060(A) and issue the advance deposit hardship waiver only if the Hearing Officer finds there is sufficient documentary evidence to reasonably believe the person has an actual financial inability to deposit with the city the full amount of the fine in advance of the hearing.

E. If the Hearing Officer determines not to issue an advance deposit hardship waiver, the person shall remit the deposit to the city within ten (10) days of the date of that decision or thirty (30) days from the date of the administrative citation, whichever is later.

F. The Hearing Officer shall issue a written determination listing the reasons for his or her determination to issue or not issue the advance deposit hardship waiver. The written determination of the Hearing Officer shall be final.

G. The written determination of the hearing shall be served upon the person who applied for the advance deposit hardship waiver in the same manner set forth for notices in Section 1.18.130. (Ord. 2542 § 1 (part), 2001)

1.18.080 Hearing procedure.

A. No hearing to contest an administrative citation before a Hearing Officer shall be held unless the fine has been deposited in advance in accordance with Section 1.18.060(A) or an advance deposit hardship waiver has been issued in accordance with Section 1.18.070.

B. A hearing before the Hearing Officer shall be set for a date that is not less than fifteen (15) days and not more than sixty (60) days from the date that the request for hearing is filed in accordance with the provisions of this chapter.

C. If the Enforcement Officer submits an additional written report concerning the administrative citation to the Hearing Officer for consideration at the hearing, then a

copy of this report shall also be served on the person requesting the hearing at least five (5) days prior to the date of this hearing.

D. At the hearing, the party contesting the administrative citation shall be given the opportunity to testify and to present oral and documentary evidence concerning the administrative citation.

E. The failure of any recipient of an administrative citation to appear at the administrative citation hearing shall constitute a forfeiture of the fine and a failure to exhaust their administrative remedies.

F. The administrative citation and any additional report submitted by the enforcement officer shall constitute prima facie evidence of the respective facts contained in those documents.

G. The Hearing Officer may continue the hearing and request additional information from the Enforcement Officer or the recipient of the administrative citation prior to issuing a written decision. (Ord. 2258 § 5, 2002)

1.18.085 Selection of hearing officer.

A. The Hearing Officer for the administrative citation hearings shall demonstrate those qualifications, training, and objectivity prescribed by the City Attorney as are necessary and which are consistent with the duties and responsibilities of such Hearing Officer.

B. The employment, performance evaluation, compensation and benefits of the Hearing Officer shall not be directly or indirectly conditioned upon the amount of Administrative Citation fines upheld by the Hearing Officer. (Ord. 2581 § 5, 2003)

1.18.090 Hearing officer's decision.

A. After considering all of the testimony and evidence submitted at the hearing, the Hearing Officer shall issue a written decision to uphold or cancel the administrative citation and shall list in the decision the reasons for that decision. The decision of the Hearing Officer shall be final.

B. If the Hearing Officer determines that the administrative citation should be upheld, then the fine amount on deposit with the city shall be retained by the city.

C. If the Hearing Officer determines that the administrative citation should be upheld and the fine has not been deposited pursuant to an advance deposit hardship waiver, the Hearing Officer may set forth in the decision a payment schedule for the fine.

D. If the Hearing Officer determines that the administrative citation should be canceled and the fine was deposited with the city, then the city shall promptly refund the amount of the deposited fine.

E. The recipient of the administrative citation shall be served with a copy of the Hearing Officer's written decision in the same manner as set forth for notices in Section 1.18.130. (Ord. 2558 § 7, 2002; Ord. 2542 § 1 (part), 2001)

1.18.100 Late payment charges.

Any person who fails to pay to the city any fine imposed pursuant to the provisions of this chapter on or before the date that fine is due shall also be liable for the payment of any applicable late payment charges set forth in the schedule of fines. (Ord. 2542 § 1 (part), 2001)

1.18.110 Recovery of administrative citation fines and costs.

The city may collect any past due administrative citation fine or late payment charge by use of all available legal means, including all administrative procedures set forth in this chapter and Chapter 1.19 of this Code. The city also may recover its administrative costs pursuant to Section 1.19.100(B). (Ord. 2258 § 8, 2002)

1.18.120 Right to judicial review.

Any person aggrieved by an administrative decision of a Hearing Officer on an administrative citation may obtain review of the administrative decision by filing a petition for review in a court of competent jurisdiction in accordance with the time lines and provisions set forth in California Government Code Section 53069.4. (Ord. 2542 § 1 (part), 2001)

1.18.130 Notices.

A. The administrative citation and all notices required to be given by this chapter shall be served on the responsible party in accordance with the following:

Whenever a notice is required to be given under this code, unless different provisions herein are otherwise specifically made, such notice may be given either by personal delivery thereof to the person to be notified or by deposit in the United States Mail, in a sealed envelope, postage prepaid, addressed to such person to be notified at his last known business or residence address as the same appears in the public records or other records pertaining to the matter to which such notice is directed. Service by mail shall be deemed to have been completed at the time of deposit in the post office.

B. Failure to receive any notice specified in this chapter does not affect the validity of proceedings conducted hereunder. (Ord. 2542 § 1 (part), 2001)

Chapter 1.19

ADMINISTRATIVE COMPLIANCE CITATIONS

Sections:

1.19.010	Applicability.
1.19.020	Definitions.
1.19.030	Compliance order.
1.19.040	Method of service.
1.19.050	Hearing.
1.19.060	Notice of hearing.
1.19.070	Hearing—Finding and order.
1.19.080	Administrative order.
1.19.090	Administrative penalties.
1.19.100	Administrative costs.
1.19.110	Failure to comply with administrative compliance order.
1.19.120	Right of judicial review.
1.19.130	Penalties.
1.19.140	Report of compliance after administrative order.
1.19.150	Compliance dispute.
1.19.160	Lien procedure.
1.19.170	Recording of lien.
1.19.180	Satisfaction of lien.
1.19.190	Special assessment procedure.

1.19.010 Applicability.

A. This chapter provides for administrative remedies which are in addition to all other legal remedies, criminal, civil or administrative, which may be pursued by the city to address any violation of this code.

B. Use of this chapter shall be at the sole discretion of the city. (Ord. 2542 § 2 (part), 2001)

1.19.020 Definitions.

A. "Code" as used herein refers to the El Monte Municipal Code.

B. For purposes of this chapter, "Director" means the Community Development Director or his designee.

C. For purposes of this chapter, "Hearing Officer" shall be a neutral person as designated by the City Manager. (Ord. 2542 § 2 (part), 2001)

1.19.030 Compliance order.

A. Whenever the Director determines that a violation of any provision of this code within the Director's responsibility is occurring or exists, the Director may issue a written compliance order to any person responsible for the violation:

B. A compliance order issued pursuant to this chapter shall contain the following information:

1. The date and time location of the violation;
2. The section of this code violation and a description of the violation;
3. The actions required to correct the violation;
4. The time period after which administrative penalties will begin to accrue if compliance with the order has not been achieved; and
5. Either a copy of this chapter or an explanation of the consequences of noncompliance with this procedure and appeal process. (Ord. 2542 § 2 (part), 2001)

1.19.040 Method of service.

A. All notices required by this chapter shall be served as provided in Section 1.18.130 of this code.

B. Written notice shall be mailed to the property owner at the address shown on the last equalized county assessment roll.

C. Where personal service or service by mail upon the property owner is unsuccessful, a copy of the order shall be conspicuously posted at the property which is the subject of the order.

D. The failure of any person to receive any notice required under this chapter shall not affect the validity of any proceedings taken under this chapter. (Ord. 2542 § 2 (part), 2001)

1.19.050 Hearing.

A. If the Director determines that all violations have been corrected within the time specified in the compliance order, no further action shall be taken.

B. If full compliance is not achieved within the time specified in the compliance order, the Director shall set a hearing before the Hearing Officer.

C. The Director shall cause a written notice of hearing to be served on the violator and, where real property is involved, a notice of hearing shall be served on the property owner at the address as it appears on the last equalized county assessment roll available on the date the notice is prepared. (Ord. 2542 § 2 (part), 2001)

1.19.060 Notice of hearing.

A. Every notice of hearing on a compliance order shall contain the date, time and place at which the hearing shall be conducted by the Hearing Officer.

B. Each hearing shall be set for a date not less than fifteen (15) days and not more than sixty (60) days from the date of the notice of hearing unless the Director determines that the matter is urgent or that good cause exists for an extension of time.

C. This hearing serves to provide the full opportunity of a person subject to a compliance order to object to the determination that a violation has occurred and/or that the violation has continued to exist. The failure of any person subject to a compliance order, pursuant to this chapter, to appear at the hearing shall constitute a failure to exhaust administrative remedies. (Ord. 2542 § 2 (part), 2001)

1.19.070 Hearing—Finding and order.

A. At the place and time set forth in the notice of hearing, the Hearing Officer shall conduct a hearing on the compliance order issued pursuant to Section 1.19.050.

B. The Hearing Officer shall consider any written or oral evidence consistent with its rules and procedures regarding the violation and compliance by the violator or by the real property owner.

C. Within a reasonable time following the conclusion of the hearing, the Hearing Officer shall make findings and issue its determination regarding:

1. The existence of the violation; and
2. The failure of the violator or owner to take required corrective action within the required time period.

D. The Hearing Officer shall issue written findings on each violation. The findings shall be supported by evidence received at the hearing.

E. If the Hearing Officer finds a preponderance of the evidence that a violation has occurred and that the violation was not corrected within the time period specified in the compliance order, the Hearing Officer shall issue an administrative order.

F. If the Hearing Officer finds that no violation has occurred or that the violation was corrected within the time period specified in the compliance order, the Hearing Officer shall issue a finding of those facts. (Ord. 2542 § 2 (part), 2001)

1.19.080 Administrative order.

If the Hearing Officer determines that a violation occurred which was not corrected within the time period specified in the compliance order, the Hearing Officer shall issue an administrative order described in Section 1.19.070 which imposes any or all of the following:

- A. An order to correct, including a schedule for correction where appropriate;
- B. Administrative penalties as provided in Section 1.19.090; and
- C. Administrative costs as provided in Section 1.19.100. (Ord. 2542 § 2 (part), 2001)

1.19.090 Administrative penalties.

A. The Hearing Officer may impose administrative penalties for the violation of any provision of this code in an amount not to exceed a maximum of two thousand five hundred dollars (\$2,500) per day for each on-going violation, except that the total administrative penalty shall not exceed twenty-five thousand dollars (\$25,000) exclusive of administrative costs, interest and restitution for compliance reinspections, or for any related series of violations.

B. In determining the amount of the administrative penalty, the Hearing Officer may take any or all of the following factors into consideration:

1. The duration of the violation;
2. The frequency, recurrence and number of violations, related or unrelated, by the same violator;
3. The seriousness of the violation;
4. The good faith efforts of the violator to come into compliance;
5. The economic impact of the penalty on the violator;
6. The impact of the violation on the community;
7. Such other factors as justice may require.

C. Administrative penalties imposed by the Hearing Officer shall accrue from the date specified in the compliance order and shall cease to accrue on the date the violation is corrected as determined by the Director or the Hearing Officer.

D. The Hearing Officer, at his discretion, may suspend the imposition of applicable penalties for any period of time during which:

1. The violator has filed for necessary permits; and
2. Such permits are required to achieve compliance; and
3. Such permit applications are actively pending before this city, state or other appropriate governmental agency.

E. Administrative penalties assessed by the Hearing Officer shall be due by the date specified in the administrative order.

F. Administrative penalties assessed by the Hearing Officer are a debt owed to the city and, in addition to all other means of enforcement, if the violation is located on real property, may be enforced by means of a lien against the real property on which the violation occurred.

G. If the violation is not corrected as specified in the Hearing Officer's order to correct, administrative penalties shall continue to accrue on a daily basis until the violation is corrected, subject to the maximum amount set forth in Section 1.19.090(A) above.

H. If the violator gives written notice to the Director that the violation has been corrected and if the Director finds that compliance has been achieved, the Director shall deem the date the written notice was postmarked or personally delivered to the Director or the date of the final inspection, whichever first occurred, to be the date the violation was corrected. If no written notice is provided to the Director, the violation will be deemed corrected on the date of the final inspection. (Ord. 2542 § 2 (part), 2001)

1.19.100 Administrative costs.

A. The Hearing Officer shall assess administrative costs against the violator when it finds that a violation has occurred and that compliance has not been achieved within the time specified in the compliance order.

B. The administrative costs may include any and all costs incurred by the city in connection with the matter before the Hearing Officer including, but not limited to, costs of investigation, staffing costs incurred in preparation for the hearing and for the hearing itself, and costs for all reinspections necessary to enforce the compliance order. (Ord. 2542 § 2 (part), 2001)

1.19.110 Failure to comply with administrative compliance order.

Failure to pay the assessed administrative penalties and administrative costs specified in the administrative order of the Hearing Officer may be enforced as:

1. A personal obligation of the violator; and/or
2. If the violation is in connection with real property, a lien upon the real property. The lien shall remain in effect until all of the administrative penalties, interest and administrative costs are paid in full. (Ord. 2542 § 2 (part), 2001)

1.19.120 Right of judicial review.

Any person aggrieved by an administrative order of the Hearing Officer may obtain review of the administrative order in the court of competent jurisdiction by filing with the court a petition of writ of mandate pursuant to Section 1.18.120. (Ord. 2542 § 2 (part), 2001)

1.19.130 Penalties.

The city may collect the assessed administrative penalties and administrative costs by use of all available legal means, including recordation of a lien pursuant to Section 1.19.160. (Ord. 2542 § 2 (part), 2001)

1.19.140 Report of compliance after administrative order.

If the Director determines that compliance has been achieved after a compliance order has been sustained by the Hearing Officer, the Director shall file a report indicating that compliance has been achieved. (Ord. 2542 § 2 (part), 2001)

1.19.150 Compliance dispute.

A. If the Director does not file a report pursuant to Section 1.19.140 above, a violator who believes that compliance has been achieved may request a compliance hearing before the Hearing Officer by filing a request for a hearing with the Director.

B. The Hearing shall be noticed and conducted in the same manner as a hearing on a compliance order provided in Section 1.19.050 and 1.19.060 of this chapter.

C. The Hearing Officer shall determine if compliance has been achieved and, if so, when it was achieved. (Ord. 2542 § 2 (part), 2001)

1.19.160 Lien procedure.

A. Whenever the amount of any administrative penalty and/or administrative cost imposed by the Hearing Officer pursuant to this chapter in connection with real property has not been satisfied in full within ninety (90) days and/or has not been successfully challenged by a timely writ of mandate, this obligation may constitute a lien against the real property on which the violation occurred.

B. The lien provided herein shall have no force and effect until recorded with the County Recorder. Once recorded, the administrative order shall have the force and effect and priority of a judgment lien governed by the provisions of Section 697.340 of the Code of Civil Procedure and may be extended as provided in Sections 683.220, inclusive, of the Code of Civil Procedure.

C. Interest shall accrue on the principal amount of the judgment remaining unsatisfied pursuant to law.

D. The City Clerk is charged with filing the judgment lien in the office of the County Recorder of Los Angeles County, California. (Ord. 2542 § 2 (part), 2001)

1.19.170 Recording of lien.

Thirty (30) days following the adoption of a resolution by the City Council imposing a lien, the City Clerk shall file the same as a judgment lien in the office of the County Recorder of Los Angeles County, California. The lien may carry such additional administrative

charges as set forth by resolution of the City Council.
(Ord. 2542 § 2 (part), 2001)

1.19.180 Satisfaction of lien.

Once payment in full is received by the city for outstanding penalties and costs, the city shall either record a notice of satisfaction or provide the property owner or financial institution with a notice of satisfaction so they may record this notice with the Office of the County Recorder. Such notice of satisfaction shall cancel the city's lien. (Ord. 2542 § 2 (part), 2001)

1.19.190 Special assessment procedure.

Whenever the amount of any administrative penalty and/or administrative cost imposed by the Hearing Officer pursuant to this chapter in connection with real property has not been satisfied in full within ninety (90) days and/or has not been successfully challenged by a timely writ of mandate collection of the administrative penalty and/or administrative cost may be enforced by means of a special assessment upon said real property.

A. The special assessment may be collected at the same time and in the same manner as ordinary municipal taxes are collected, and shall be subject to the same penalties and the same procedure and sale in case of delinquency as provided for ordinary municipal taxes.

B. All laws applicable to the levy, collection and enforcement of municipal taxes shall be applicable to the special assessment.

C. The City Clerk shall record a Notice of Special Assessment with the office of the Recorder of Los Angeles County, California within thirty (30) days after a resolution shall have been adopted by the City Counsel authorizing the special assessment. (Ord. 2258 § 9, 2002)

Chapter 1.20**ADMINISTRATIVE INSPECTIONS****Sections:****1.20.010 Notice of intent to inspect real property.****1.20.010 Notice of intent to inspect real property.**

Upon a determination by the City Attorney, City Administrator and Planning Director that sufficient cause exists for the city to seek an administrative inspection warrant for the purpose of determining the existence or nonexistence of any violation of this code or of any code adopted by reference in this code, the city may, after due notice as set forth herein, file a notice of intent to inspect real property with the Recorder's Office of the county of Los Angeles thereby putting all persons on notice that the city has determined that cause exists to believe that violations of the El Monte Municipal Code may exist on the indicated real property and that the city intends to seek an administrative inspection warrant for said premises. No less than five (5) regular business days prior to the filing of a notice of intent to inspect, written notice shall be served on the owner of the property to be inspected requesting permission to inspect the property and giving notice that the city may file a notice of intent to inspect with the Los Angeles County Recorder if such permission is not granted to the city within three (3) regular business days from the date of service. Service shall be made by personal service on the owner in the city, or in the event the owner cannot be readily served personally in the city, by the posting of notice in a conspicuous place on the property and by mailing by first-class mail a copy of said notice to the owner of record as shown on the tax register and by leaving a copy thereof with the person apparently responsible for said property if such person is present at the time of posting. Any notice of intent to inspect filed with the Los Angeles County Recorder shall automatically expire and be self-vacating ninety (90) days after being recorded. Any administrative inspection warranted acquired by the city for a property for which a notice of intent to inspect has been recorded shall be filed with the Los Angeles County Recorder and itself shall automatically expire and be self-vacating ninety (90) days after being recorded. (Prior code § 1222)

Chapter 1.24

GENERAL PENALTY

Sections:

1.24.010	Violations of code.
1.24.020	Misdemeanors reduced to infractions by court discretion.

1.24.010 Violations of code.

No person shall violate any of these provisions, or fail to comply with any of the requirements of this code.

A. Misdemeanors. Except as is expressly provided in subsection B of this section, any person violating any of the provisions of this code shall be deemed guilty of a misdemeanor. Any person convicted of a misdemeanor under the provisions of this code shall be punishable by a fine of not more than one thousand dollars (\$1,000.00), or by imprisonment in the city or county jail for a period not exceeding six (6) months, or by both such fine and imprisonment. Each such person shall be guilty of a separate offense for each and every day during any portion of which any violation of any provision of this code is committed, continued, or permitted by such person and shall be punishable accordingly.

B. Infractions. An infraction shall be punishable upon a first conviction by a fine not exceeding one hundred dollars (\$100.00); for a second conviction of the same code provision within a period of one year, by a fine not exceeding two hundred dollars (\$200.00); and for a third or any subsequent conviction of the same section within the same twelve (12) month period, by a fine not exceeding five hundred dollars (\$500.00). Violations of the following sections of this code shall be deemed to be infractions:

1. Sections 10.12.020, 10.20.020 and 10.24.020 of this code and all provisions of the Uniform Traffic Ordinance adopted herein by reference; and

2. Sections 9.04.060, 9.12.020 and 9.12.030; and

3. Minors—Infractions, Penalties, Continuing Violations. Notwithstanding any other provision of this code, when a person under the age of eighteen (18) years is charged with a misdemeanor violation of this code, and a peace officer issues a notice to appear in Superior Court to the minor, the charge shall be deemed to be an infraction violation of this code unless the minor requests that a petition be filed under Section 601 or 602 of the Welfare and Institutions Code. The amount of the fine imposed on the minor shall be set by the Court. (Ord. 2593 § 1, 2003; amended during 1999 recodification; prior code §§ 1200—1200.3, 1200.5)

1.24.020 Misdemeanors reduced to infractions by court discretion.

Notwithstanding the language of Section 1.24.010 of this chapter, any misdemeanor violation of any provision of this code may, in the discretion of the court, on motion of the Prosecuting Attorney be reduced to an infraction after such charges are filed with the court if such reduction facilitates the interests of justice. Any charge filed by way of complaint for a violation of any provision of the El Monte Municipal Code may be filed as an infraction if the Prosecuting Attorney determines that such filing is in the interest of justice. (Prior code § 1200.4)

Chapter 1.28

PRISONERS

Sections:

- 1.28.010** Labor upon public works.
- 1.28.020** Streets and public works defined.
- 1.28.030** Security for prisoners.
- 1.28.040** Treatment of prisoners.
- 1.28.050** Escape by prisoners.

1.28.010 Labor upon public works.

Persons confined in the city jail under a final judgment of imprisonment for violation of any ordinance may be required by the Chief of Police to perform labor on the streets or other public property or works within the city. (Prior code § 1202)

1.28.020 Streets and public works defined.

The phrase, "streets or other public property or works within the city," as used in this chapter shall include, among things, clerical and menial labor in the city jail, or in any camp maintained for the labor of such persons on the streets or other public property or works within the city. (Prior code § 1203)

1.28.030 Security for prisoners.

The Chief of Police shall procure and use such means as he or she shall deem necessary for the security of all prisoners under his or her charge and may prescribe and administer such rules and regulations as shall be deemed necessary to keep good order among the prisoners and compel them to do their work. (Prior code § 1204)

1.28.040 Treatment of prisoners.

All prisoners shall be treated with the utmost kindness compatible with the enforcement of the rules and regulations necessary in compel discipline and obedience to the officer in charge. (Prior code § 1205)

1.28.050 Escape by prisoners.

Any prisoner employed as above directed who escapes while so employed or while going in or returning from any such public work, shall be guilty of a misdemeanor and shall be punishable therefor in the same manner and to the same extent as violations of this code are punishable. (Prior code § 1206)

Chapter 1.32**RIGHT OF ENTRY FOR INSPECTION****Sections:**

- | | |
|-----------------|-------------------------------------|
| 1.32.010 | Authority. |
| 1.32.020 | Consent. |
| 1.32.030 | Refusal to consent to entry. |

1.32.010 Authority.

Whenever any officer or employee of the city is authorized to enter any building or premises for the purpose of making an inspection to enforce any ordinance, the officer or employee may enter such building or premises at all reasonable times to inspect the same; provided, that the officer or employee shall effect entry in the manner provided in Section 1.32.020 of this chapter, except in emergency situations, or when consent of the person having charge or control of such building or premises has been otherwise obtained. (Added during 1999 recodification)

1.32.020 Consent.

If the building or premises to be inspected is occupied, the authorized officer or employee shall first present proper credentials and demand entry; and if such building or premises is unoccupied, the officer or employee shall first make a reasonable effort to locate the owner or other person having charge or control of the building or premises and demand entry. If consent to such entry is not given, the authorized officer or employee shall have recourse to every remedy provided by law to secure entry. (Added during 1999 recodification)

1.32.030 Refusal to consent to entry.

This chapter shall be controlling over any other ordinance or part of an ordinance on the same subject, whether heretofore or hereafter adopted, unless such ordinance or part of an ordinance provides differently by an express reference to this chapter. Notwithstanding any other ordinance of this city, whether heretofore or hereafter adopted, it shall not be a violation of this chapter to refuse or fail to consent to an entry for inspection. (Added during 1999 recodification)

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Title 2

ADMINISTRATION AND PERSONNEL

Chapters:

- 2.04 City Council**
- 2.05 Filling City Council Vacancies**
- 2.08 Mayor**
- 2.12 City Manager**
- 2.16 City Attorney**
- 2.20 Department of Finance**
- 2.24 City Planning Commission**
- 2.25 El Monte Veterans and Homeless Affairs
Commission**
- 2.26 El Monte Patriotic Commission**
- 2.28 El Monte Community Cultural Commission**
- 2.32 Community Services Commission**
- 2.36 Emergency Services Organization**
- 2.40 Industrial Development Authority**
- 2.44 Redevelopment Agency**
- 2.48 Beautification Commission**
- 2.60 Peace Officer Standards and Training**
- 2.64 Unclaimed Property**
- 2.68 Miscellaneous Administrative Regulations**
- 2.72 Personnel System**
- 2.76 Claims for Money or Damages**

Chapter 2.04

CITY COUNCIL

Sections:

- 2.04.010** Regular meetings.
- 2.04.020** Meeting place.
- 2.04.030** Council members salaries.
- 2.04.040** Propriety of conduct while addressing the council.
- 2.04.050** Addressing the council—Procedure.
- 2.04.060** Addressing the council—Spokesperson for group of persons.
- 2.04.070** Disorderliness by members of the audience.
- 2.04.080** Violation—Penalty.

2.04.010 Regular meetings.

The regular meetings of the City Council shall be held on the first and third Tuesday of each and every month at six-thirty p.m. If the day fixed for holding any such regular meeting falls upon any legal holiday specified by Section 6700 or 6701 of the California Government Code, or upon any of those holidays specified in Section 2.68.010(B) of the El Monte Municipal Code, said meeting shall be held on the next business day. (Ord. 2526 § 2, 2000)

2.04.020 Meeting place.

All meetings of the City Council shall be held in that certain building in the city located at 11333 Valley Boulevard, and known and referred to as the El Monte City Hall, in a room therein designated as the council chamber. The said City Council may from time to time adjourn any meeting to any room, auditorium or other locality in said building, or to any other locality within the corporate limits of the city, and such meeting when so held shall be valid for all purposes. (Prior code § 2101)

2.04.030 Council members salaries.

Each member of the City Council shall receive a salary during each month in which he or she is a member of the City Council. The amount of such salary shall be six hundred sixty-five dollars (\$665.00) per month, representing the amount specified in the last salary adjustment operative on January 23, 1990 in accordance with Ordinance No. 2285, to which shall be added the further sum of sixty-five dollars (\$65.00) pursuant to Government Code Section 36516(a)(4) as provided below. The

monthly salary herein set forth shall be applicable during the month (or portion thereof) for which said salary is due; provided, however, that the increase of sixty-five dollars (\$65.00) per month herein specified shall become applicable as of April 15, 2001, unless sooner authorized by the State Legislature. (Ord. 2523 § 1, 2001: prior code § 2103)

2.04.040 Propriety of conduct while addressing the council.

A. The presiding officer at a meeting may in his or her discretion bar from further audience before the council, or have removed from the council chambers, any person who commits disorderly, insolent, or disruptive behavior, including but not limited to, the actions set forth in subsection B of this section.

B. It is unlawful for any person while addressing the council at a council meeting to violate any of the following rules after being called to order and warned to desist from such conduct:

1. No person shall make any personal, impertinent, profane, insolent, or slanderous remarks.
2. No person shall yell at the council in a loud, disturbing voice.
3. No person shall speak without being recognized by the presiding officer.
4. No person shall continue to speak after being told by the presiding officer that his or her allotted time for addressing the council has expired.
5. Every person shall comply with and obey the lawful orders or directives of the presiding officer.
6. No person shall, by disorderly, insolent, or disturbing action, speech, or otherwise, substantially delay, interrupt, or disturb the proceedings of the council. (Ord. 2517 § 1, 2000: prior code § 2105)

2.04.050 Addressing the council—Procedure.

Each person desiring to address the council shall approach the microphone at the podium, state his or her name and city of residence for the record, state the subject he or she wishes to discuss, state whom he or she is representing if he or she represents an organization or other persons and unless further time is granted by majority vote of the council, shall limit his or her remarks to the time specified by resolution of the City Council. All remarks shall be addressed to the council as a whole and not to any member thereof. No questions shall be asked of a council member or a member of the city staff without obtaining permission of the presiding officer. (Ord. 2517 § 2, 2000: prior code § 2106)

**2.04.060 Addressing the council—
Spokesperson for group of persons.**

In order to expedite matters and to avoid repetitious presentation, whenever any group of persons wishes to address the council on the same subject matter, it shall be proper for the presiding officer to inquire whether or not the group has a spokesman and if so, that he or she be heard with the following speakers in the group to be limited to facts not already presented by the group spokesman. (Ord. 2517 § 3, 2000: prior code § 2107)

2.04.070 Disorderliness by members of the audience.

A. It is unlawful for any person in the audience at a council meeting to do any of the following after being called to order and warned to desist from such conduct:

1. Engage in disorderly, disruptive, disturbing, delaying or boisterous conduct, such as, but not limited to, handclapping, stomping of feet, whistling, making noise, use of profane language or obscene gestures, yelling, videotaping from anywhere other than the rear of the council chambers or similar demonstration which conduct substantially interrupts, delays, or disturbs the peace and good order of the proceedings of the council.

2. Refuse to comply with a lawful order or directive of the presiding officer of the council.

B. The sergeant-at-arms shall have the authority to remove any such person from the council chamber and place him or her under arrest, or both. (Ord. 2517 § 4, 2000: prior code § 2108)

2.04.080 Violation—Penalty.

A violation of Sections 2.04.040, 2.04.050 or 2.04.070 of this chapter is a misdemeanor and is punishable as set forth in Chapter 1.24 of this code. (Ord. 2517 § 5, 2000)

Chapter 2.05

FILLING CITY COUNCIL VACANCIES

Sections:

- 2.05.010** **Definitions.**
- 2.05.020** **Filling vacancies—General provisions.**
- 2.05.030** **Exercise of appointment power.**
- 2.05.040** **Petition calling for special election.**
- 2.05.050** **Repeal or amendment of chapter.**

2.05.010 **Definitions.**

For the purposes of this chapter, the following terms shall have meanings set forth in this section, unless otherwise stated in this chapter:

“Acting Council” means the El Monte City Council acting or otherwise conducting official business under circumstances in which no more than two (2) of its five (5) seats are vacant.

“Council” means the legislative body of the city of El Monte, namely the El Monte City Council, which is composed of four (4) regular Council seats and the Mayor’s Council seat.

“Mayor’s Council seat” means the one seat on the El Monte City Council which is occupied by the Mayor.

“Regular Council seat” means the four (4) seats on the El Monte City Council which are occupied by persons other than the person serving as Mayor. (Ord. 2647 § 1 (part), 2005)

2.05.020 **Filling vacancies—General provisions.**

A. Vacancies to Regular Council Seats. Within thirty (30) days from the effective date of a vacancy to a regular Council seat, the Acting Council shall fill such vacancy:

1. By appointment; or
2. By calling a special election to be held on the next regularly established election date not less than one hundred fourteen (114) days from the call of the special election.

The decision to fill such a vacancy by appointment or by special election shall be decided by a motion receiving a minimum of three (3) votes in favor of one of the two (2) courses of action listed above. If the Acting Council fails to take any action within thirty (30) days from the effective date of a vacancy, such vacancy shall then be filled by election held at the next regularly established election date.

B. Vacancies to the Mayor’s Council Seat. Within thirty (30) days from the effective date of a vacancy to the Mayor’s Council seat, the Acting Council shall fill

such vacancy by calling a special election to be held on the next regularly established election date not less than one hundred fourteen (114) days from the call of the special election. In the interim, the Mayor Pro Tempore shall serve as the presiding officer over all meetings of the Acting Council.

C. Restrictions on Appointment Power. The Acting Council may not fill a vacancy by way of appointment if such appointment would result in a majority of the Council’s members being appointees.

D. Length of Service. Except as otherwise provided in this chapter, any person appointed or elected by special election to fill any vacated Council seat shall only serve for the unexpired balance of the term corresponding to that vacated seat.

E. Prohibition on Holding Other Offices. Unless authorized by state law, no person appointed or elected to serve on the Council may continue to hold any other elective office or public office. Pursuant to state law, no person appointed or elected to serve on the Council may continue to hold any position of employment with the city of El Monte or the El Monte Community Redevelopment Agency.

F. Completion of Appointment Process. The appointment process shall be complete when a person selected to fill a Council vacancy has done all of the following:

1. Provided the City Clerk or his or her designee with proof of identity in the form of a valid California driver license or valid United States passport;
2. Provided the City Clerk or his or her designee with proof that his or her primary place of residence is located within the city of El Monte as evidenced by documentation that may include, but shall not be limited to, a utility bill bearing the person’s name and address for the month immediately preceding the month in which the appointment was made;
3. Signs a written affidavit under penalty of perjury identifying his or her address in the city of El Monte and further stating that such address is his or her primary place of residence;
4. Confirms his or her willingness to accept appointment on the record of the Council meeting at which the appointment selection is made;
5. Properly completes and submits all other documentation required by state law and/or the El Monte Municipal Code as a prerequisite to holding office; and
6. Is sworn into office.

A prospective appointee must execute the aforementioned affidavit; provide proof of identity and residency; and complete all other documentation required by state

law before being sworn into office. A prospective appointee must be present at the meeting in which the appointment selection is to be made. The failure of a prospective appointee to comply with the requirements of this section by the date of the meeting at which the appointment selection is to be made shall constitute a refusal to accept appointment.

G. Restrictions on Calling of Special Elections. No vacated Council seat may be filled by way of a special election in any instance where the vacancy occurs less than one hundred fourteen (114) days from the date upon which the vacated seat will be up for election in any event. The foregoing restriction shall also apply to any attempt to call for a special election by way of petition as provided in Section 2.05.040 of this chapter. (Ord. 2696 § 1 (part), 2007; Ord. 2647 § 1 (part), 2005)

2.05.030 Exercise of appointment power.

A. If a regular Council seat is to be filled by appointment, the appointee shall be the person who:

1. Received the third highest number of votes as a candidate for a regular Council seat during the last Council election without being elected to office; and
2. Is not currently serving on the Council.

If such person is unwilling, unable or legally ineligible to accept appointment; or if there is no third highest voter-getter from the last Council election, the Acting Council shall fill the vacancy by calling a special election held not less than one hundred fourteen (114) days from the call of such election.

B. If the presumptive appointee for a vacated regular Council seat is reasonably identifiable to the City Clerk before the decision to appoint or call a special election is made, the City Clerk shall notify such person in writing of the date, time and place of the meeting in which the Acting Council will decide the manner in which a vacancy shall be filled. Such notice shall also advise the potential appointee that: (1) his or her presence at such meeting shall be required, if he or she wishes to accept a possible appointment offer; (2) proof of identity and residency must be provided to the City Clerk's office on or before the date of the meeting; (3) a failure to attend the meeting or a failure to provide adequate proof of residency or identity shall constitute a refusal to accept appointment; and (4) the Acting Council shall be under no obligation to fill the vacancy by appointment. (Ord. 2647 § 1 (part), 2005)

2.05.040 Petition calling for special election.

A. Section 2.05.020(A) notwithstanding, when petitions bearing at least ten (10) percent of the verified signa-

tures of registered El Monte voters are presented to the City Clerk, a special election shall be called, provided:

1. Such petitions are submitted to the City Clerk within one hundred sixty (160) days from the effective date of a vacancy;

2. There are more than one hundred fourteen (114) days left on the unexpired term of the vacated Council seat at the time such petitions are presented to the City Clerk; and

3. There are more than one hundred fourteen (114) days left on the unexpired term of the vacated Council seat at the time a special election is to be called by the Acting Council following the City Clerk's certification that a sufficient number of petition signatures have been obtained as provided under subsection E of this section.

Any person previously appointed to fill a vacated regular Council seat under such circumstances shall thereafter hold office only until the date of the special election which shall be held on the next regularly established election date not less than one hundred fourteen (114) days from the call of such election. The City Clerk shall notify any person previously appointed to the Council of the presentation of petitions as soon as reasonably possible.

B. Petition signatures shall be collected on a petition form furnished by the City Clerk's office. Such petition form shall, at a minimum, conform to the requirements of Elections Code Section 100.

C. When a petition is filed, the City Clerk shall make a prima facie examination of the petition to determine if the minimum number of required signatures have been submitted. If the number of signatures equals or exceeds the minimum, the City Clerk shall conditionally accept the petitions for filing. If the number of signatures is insufficient, the City Clerk shall reject the petitions for filing and shall return them to the petition proponent(s). Any voter who has signed a petition may withdraw his or her signature by filing a written request with the City Clerk prior to the date such petition is presented to the City Clerk by the petition proponent(s).

D. After petitions have been conditionally accepted by the City Clerk, the City Clerk shall have thirty (30) days from the date of filing to examine the petitions and determine if the petition(s) contain a sufficient number of valid signatures of registered voters. The City Clerk may verify each and every signature or alternatively use a random sampling method. A random sampling shall require the examination of at least five hundred (500) signatures or five (5) percent of the petition signatures, whichever is greater. If the result of the random sampling shows one hundred ten (110) percent or more of the number of signatures required are valid, the petition(s) shall be deemed

sufficient. If between ninety (90) and one hundred ten (110) percent are valid, the City Clerk shall abandon the random sampling method and verify each signature. If less than ninety (90) percent of the signatures are valid by the random sampling method, the petition(s) shall be insufficient.

E. At the completion of the examination of the petitions, the City Clerk shall certify the petition(s) as sufficient or insufficient; and (1) notify proponents of the sufficiency or insufficiency of the petition(s); and (2) if the petition is sufficient, submit the certificate of sufficiency to the Council at its next regular meeting. The Council shall then immediately call for a special election. (Ord. 2647 § 1 (part), 2005)

2.05.050 Repeal or amendment of chapter.

This chapter may not be repealed, amended or modified either in whole or in part absent four (4) votes in favor of such repeal, amendment or modification. The requirement for four (4) votes shall not apply when a repeal, amendment or modification is mandated by court order or becomes necessary to bring this chapter into compliance with changes to applicable state law. (Ord. 2647 § 1 (part), 2005)

Chapter 2.08**MAYOR****Sections:**

- 2.08.010 Mayor's salary.**
- 2.08.020 Mayor—Election, term and compensation.**
- 2.08.030 Mayor—Eligibility.**
- 2.08.040 Mayor—Presiding officer.**
- 2.08.050 Mayor Pro Tempore.**
- 2.08.060 Construction—Provisions governing.**
- 2.08.070 Reference to acts or omissions within this city.**
- 2.08.080 Prohibited acts include causing, permitting or suffering.**
- 2.08.090 Reference applies to amendments.**
- 2.08.100 Notices—Service of.**
- 2.08.110 Tenses.**
- 2.08.120 Gender.**
- 2.08.130 Number.**
- 2.08.140 Definitions.**

2.08.010 Mayor's salary.

The Mayor shall receive a salary during each month in which he or she is the Mayor. The amount of such salary shall be six hundred sixty-five dollars (\$665.00) per month, representing the amount specified in the last salary adjustment operative on January 23, 1990, in accordance with Ordinance No. 2285, to which shall be added the further sum of sixty-six dollars and fifty cents (\$66.50) pursuant to Government Code Section 36516(a)(4) as provided below. The monthly salary set forth in this section shall be applicable during the month (or portion of a month) for which such salary is due; provided, however, that the increase of sixty-six dollars and fifty cents (\$66.50) per month herein specified shall become applicable as of April 15, 2001, unless sooner authorized by the State Legislature. (Ord. 2523 § 2, 2001: prior code § 2104)

2.08.020 Mayor—Election, term and compensation.

The Mayor shall be elected from the city at large and shall serve for a term of two (2) years and until his or her successor is elected and qualified. He or she shall be entitled to reimbursement for actual and necessary expenses incurred in the performance of his or her official duties and shall receive a salary which shall be set by ordinance in the same manner and subject to the same conditions as the salaries of Councilmembers pursuant to the provisions

of Government Code Section 36516 as it now exists or as it may be hereafter amended by the State Legislature. (Prior code § 2150)

2.08.030 Mayor—Eligibility.

No person shall be eligible to file as a candidate or hold office as Mayor unless he or she shall be a qualified elector at the time of filing his or her nomination papers and shall have been a resident of the city at least thirty (30) days immediately preceding the date of such filing or appointment. (Prior code § 2150.1)

2.08.040 Mayor—Presiding officer.

The Mayor shall be the official head government of the city and the Mayor shall:

- A. Be the representative of the city for all ceremonial purposes;
- B. Preside over the meetings of the City Council;
- C. Make or second any motion and present and discuss any matter as a member of the Council;
- D. Make all appointments to boards, commissions, and committees with the approval of the City Council except that appointments to the Property Maintenance and Zoning Review Commission shall be as designated in Section 2.52.020 of this title;
- E. Sign, on behalf of the city, all contracts, ordinances, resolutions and warrants except as hereafter set forth;
- F. Perform such other duties as may be prescribed or may be assigned to him or her by the City Council. (Prior code § 2150.2)

2.08.050 Mayor Pro Tempore.

The City Council shall meet on the Tuesday after the general municipal election and choose one of its members as Mayor Pro Tempore. If the Mayor is absent or unable to attend, the Mayor Pro Tempore shall serve until the Mayor returns or is able to act. The Mayor Pro Tempore shall have all of the powers and duties of the Mayor during his or her absence. (Ord. 2696 § 1 (part), 2007; prior code § 2150.3)

2.08.060 Construction—Provisions governing.

Unless the provisions of the context otherwise require, these general provisions, rules of construction and definitions shall govern the construction of this code. The provisions of this code and all proceedings under it are to be construed with a view to effect its objects and to promote justice. (Prior code § 1300 (part))

2.08.070 Reference to acts or omissions within this city.

This code shall refer only to the omission or commission of acts within the territorial limits of the city and to that territory outside of the city over which the city has jurisdiction or control by virtue of the Constitution, or any law, or by reason of ownership or control of property. (Prior code § 1302 (part))

2.08.080 Prohibited acts include causing, permitting or suffering.

Whenever in this code any act or omission is made unlawful, it shall include causing, permitting, aiding, abetting, suffering or concealing such act or omission. (Prior code § 1303 (part))

2.08.090 Reference applies to amendments.

Whenever a reference is made to any portion of this code, or to any ordinance of this city, the reference applies to all amendments and additions now or hereafter made. (Prior code § 1306 (part))

2.08.100 Notices—Service of.

Whenever a notice is required to be given under this code, unless different provisions herein are otherwise specifically made, such notice may be given either by personal delivery thereof to the person to be notified, or by deposit thereof in the custody of the United States Postal Service or its lawful successor, in a sealed envelope, postage prepaid, addressed to such person to be notified, at his last known business or residence address as the same appears in the public records of the city or other records pertaining to the matter to which such notice is directed. Service shall be deemed given as of the time of personal service or two (2) consecutive calendars following the deposit of the same in the custody of the United State Postal Service. (Amended during 1999 recodification; prior code § 1307 (part))

2.08.110 Tenses.

The present tense includes the past and future tenses, and the future, the present. (Prior code § 1309 (part))

2.08.120 Gender.

The masculine gender includes the feminine and neuter. (Prior code § 1310 (part))

2.08.130 Number.

The singular number includes the plural, and the plural, the singular. (Prior code § 1311 (part))

2.08.140 Definitions.

The following words and phrases shall be defined for the purposes of this code as set forth below unless the context clearly requires a different interpretation:

1. "Chief of Police" means the Chief of the Police Department of the city.
2. "City" means the city of El Monte.
3. "City Administrator" means the appointed official of the city who occupies the position of the chief administrative officer of the city.
4. "Council" means the City Council of this city.
5. "County" means the county of Los Angeles.
6. "Fire Chief" means the Chief of the Fire Department of the city.
7. "Goods" means and includes wares or merchandise.
8. "Law" denotes applicable federal law, the Constitution and statutes of the state of California, the ordinances of the city, and when appropriate, any and all rules and regulations which may be promulgated thereunder.
9. "Month" means a calendar month.
10. Must, Shall and May. "Must" and "shall" are mandatory and "may" is permissive.
11. "Oath" means and includes affirmation.
12. Office. The use of the title of any officer, employee, office or ordinance means such officer, employee, office or ordinance respectively of the city.
13. "Operate" means and includes carry on, keep, conduct or maintain.
14. "Ordinance" means ordinance of the city.
15. "Owner," applied to a building or land, means and includes any part owner, joint owner, tenant, tenant in common or joint tenant of the whole or a part of such building or land.
16. "Person" means and includes a natural person, any legal entity and unincorporated organization.
17. "Personal property" means and includes money, goods, chattels, things in action and evidences of debt.
18. "Preceding" and "following" mean next before and next after, respectively.
19. "Property" means and includes real and personal property.
20. "Real property" means and includes lands, tenements and hereditaments.
21. "Sale" means and includes any sale, exchange, barter or offer for sale.
22. "Sidewalk" means that portion of a street between the curblin and the adjacent property line intended for the use of pedestrians.
23. "State" means the state of California.

24. "Street" means and includes all streets, highways, avenues, lanes, alleys, courts, places, squares, sidewalks, parkways, curbs, or other public ways in this city which have been or may hereafter be dedicated and open to public use, or such other public property so designated in any law of this state.

25. "Tenant" or "occupant," applied to a building or land, means and includes any person who occupies the whole or part of such building or land, whether alone or with others.

26. "Written" means and includes printed, typewritten, mimeographed, multigraphed, or otherwise reproduced in permanent visible form.

27. "Year" means a calendar year. (Amended during 1999 recodification; prior code § 1312—1329 (part))

Chapter 2.12

CITY MANAGER

Sections:

- 2.12.005** **Definition adoption.**
- 2.12.010** **City Council-City Manager government.**
- 2.12.020** **Office of City Manager.**
- 2.12.030** **Duties and powers of the City Manager.**
- 2.12.040** **Positions assumed by City Manager.**
- 2.12.050** **Powers subject to municipal code.**
- 2.12.060** **Appointment, qualifications and term.**
- 2.12.070** **Compensation.**
- 2.12.080** **City Council direction to City Manager.**
- 2.12.090** **City Council relations with administration.**
- 2.12.100** **Cooperator with the City Manager.**
- 2.12.110** **Attendance at Commission meetings.**
- 2.12.120** **Contract authority.**
- 2.12.130** **Removal of City Manager.**

2.12.005 **Definition adoption.**

All references to "City Administrator" throughout the El Monte Municipal Code shall mean "City Manager." (Ord. 2539 §1, 2001)

2.12.010 **City Council-City Manager government.**

A. A City Council-City Manager government is established and the provisions hereof shall define and implement said government for the city.

B. All administrative functions of the government of the city are transferred from the City Council to the Office of the City Manager as defined and limited herein. Said administrative functions shall include, without limitation, all day to day operations of the city government and the direction and supervision of the department heads and employees of the city.

C. The City Council retains unto itself all executive, judicial and legislative duties, functions and powers of the city not expressly delegated herein including, without limitation, the authority to enter into contracts, and convey and accept real property.

D. Every officer of the city, before entering upon the

duties of that person's office, shall take the oath of office as provided for in the Constitution of this state, and shall file the same with the City Clerk.

E. The City Council shall fix by resolution the amounts and terms of the official bonds of all officials, officers or employees who are required by ordinance to give such bonds. All bonds shall be executed by responsible corporate surety, shall be approved as to form by the City Attorney and shall be filed with the City Clerk. Premiums on official bonds shall be paid by the city. (Ord. 2504 § 2 (part), 1999: prior code § 2200)

2.12.020 **Office of City Manager.**

A. The Office of the City Manager is established, which shall consist of a City Manager, an Assistant City Manager and such deputies and secretaries as the City Manager may appoint.

B. The City Manager shall be head of the administrative branch of the city. The City Manager shall be responsible to the City Council for the proper administration of all affairs of the city.

C. The Assistant City Manager shall assist the City Manager in the performance of the duties, functions and powers of said office. In the absence of the City Manager or in the event the City Manager is unable to perform said duties, functions or powers, the Assistant City Manager shall assume the duties, functions and powers of said office unless and until the City Council directs otherwise. In the event that there is no Assistant City Manager or the Assistant City Manager is not available, the City Manager shall designate a department head to act as City Manager during any period that the City Manager is unavailable.

D. In the exercise of their duties and powers, the City Manager and the Assistant City manager shall endeavor, at all times, to exercise the highest degree of courtesy, patience, and tact in dealing with the public and with all city commissions, boards, departments, officers and employees and shall use their best efforts to establish and maintain a harmonious relationship between all personnel employed by the city to the end that the highest possible standards of public service be continuously maintained.

E. The City Manager, the City Attorney and such other officers of the city as may be designated by the City Council, shall be accorded a seat at the City Council table and shall be entitled to participate in the deliberations of the City Council, but shall not have a vote.

F. The persons appointed to the Office of City Manager shall be employees of the city for purposes of the Governmental Tort Claims Act, and said persons shall retain all immunities and rights thereunder. (Ord. 2504 § 2 (part), 1999: prior code § 2201)

2.12.030 Duties and powers of the City Manager.

The City Manager shall be the head of the administrative branch of the city under the direction and control of the City Council except as otherwise provided herein. The City Manager shall be responsible for the efficient administration of all the affairs of the city. In addition to his or her general powers as administrative head, and not as a limitation, it shall be the duty, function and power of the City Manager to:

A. Appoint and maintain competent, qualified department heads, including the Assistant City Manager, and all other employees of the city and to direct and reorganize all employees within or between departments and divisions;

B. Appoint committees to consider issues and problems and make recommendations to the City Manager on such matters;

C. Attend all meetings of the City Council unless excused by the Mayor or the City Council;

D. Assemble estimates of the financial revenues and needed expenditures of the city for each ensuing year, and prepare a program of activities within the financial capacity of the city, embodying in it a budget document with proper supporting schedules and analyses;

E. Control and direct all department heads and their subordinate employees except the City Attorney, City Clerk and City Treasurer;

F. Discipline all employees in the administrative service, and authorize department heads to discipline their subordinates;

G. Enforce the laws of the state pertaining to the city and all laws and ordinances of the city, and require that all contracts, franchises, permits and other privileges or entitlements granted by the city are faithfully observed;

H. Exercise general supervision over all public buildings, parks and property owned or controlled by the city;

I. Inform the City Council at all times on the financial condition and needs of the city and make such other reports and recommendations as may be desirable for or requested by the City Council;

J. Investigate or inquire into the affairs or operation of the city government and any department or employee and any complaints against the operation of the city government or any employee of the city; and when so authorized by the City Council, employ such auditors, consultants, counsel or investigators to aid in such investigations or inquiries;

K. Organize or reorganize the city departments and divisions in the best interest of the city;

L. Overrule or set aside any action or decision of a department head or any subordinate employee;

M. Perform such other duties and exercise such other powers as may be delegated from time to time by ordinance, resolution or minute action of the City Council;

N. Prepare the budget annually, submit it to the City Council and be responsible for its implementation after adoption by the City Council;

O. Prepare and present to the City Council an annual report of the city's affairs, including a summary of reports of department heads, and such other reports as the Council may request;

P. Prescribe such rules and regulations as may be necessary or expedient for the conduct of proper administration of the city or its employees, and to revoke, suspend, or amend any such rule or regulation;

Q. Purchase or cause to be purchased all supplies and equipment for all of the departments or divisions of the city in accordance with procedures established by ordinance;

R. Recommend to the City Council the adoption of such programs, measures and ordinances as may be necessary or expedient;

S. Serve in any appointed office within the city government when appointed thereto by the City Council, and hold and perform duties thereof at the pleasure of the City Council;

T. Submit to the City Council, at each meeting for its approval, all claims and bills approved for payment by the City Manager. (Ord 2541 §§ 2, 4, 2001; Ord. 2504 § 2 (part), 1999: prior code § 2202)

2.12.040 Positions assumed by City Manager.

The City Manager is appointed to, and shall assume, all positions in the administrative service of the city government described in this code including but not limited to:

A. "Personnel Officer" pursuant to Sections 2.72.020 and 2.72.70.

B. "Appointing authority" pursuant to Sections 2.72.120 and 2.72.200 and the "appointing power" and "Personnel Officer" pursuant to the personnel rules and regulations.

C. "Purchasing Agent" pursuant to Section 3.24.040 in lieu of a resolution. (Ord. 2504 § 2 (part), 1999: prior code § 2203)

2.12.050 Powers subject to municipal code.

The exercise of the powers and duties of the City Manager set out in this chapter, and the provisions of this chapter, shall be subject to this code and to any rules and regulations adopted pursuant to this code including the classification of employees, the appointment, transfer, promotion, demotion, removal, suspension, dismissal and

reinstatement of such employees and the procedures outlined therein governing the same. (Ord. 2504 § 2 (part), 1999: prior code § 2204)

2.12.060 Appointment, qualifications and term.

A. The City Manager shall be appointed for an indefinite term by a majority vote of the City Council and shall serve at the pleasure of the City Council.

B. The City Manager shall be selected on the basis of the administrative abilities and qualifications of the person so appointed, with particular emphasis on actual experience in, and knowledge of, the administration of city government.

C. The City Manager shall not be required to reside in the city upon appointment provided that the City Manager, as a condition of appointment, shall reside in the city within six (6) months after the appointment unless the City Council excuses this condition.

D. The City Council may enter into employment agreements with the City Manager and the Assistant City Manager that delineate the terms and conditions of their employment provided that said terms and conditions are not contrary to the provisions of this chapter.

E. The City Manager shall furnish a corporate surety bond to be approved by the City Council in such sum as may be determined by the City Council and shall be conditioned upon the faithful performance of the duties imposed upon the City Manager as prescribed in this chapter. Any premium for such bond shall be a proper charge against the city.

F. No Councilmember shall be eligible for appointment to the office of City Manager during the term for which that Councilmember shall have been elected nor within two (2) years thereafter. (Ord. 2504 § 2 (part), 1999: prior code § 2205)

2.12.070 Compensation.

The City Manager shall receive such compensation and expense allowances as the City Council shall from time to time determine, and such compensation shall be a proper charge against such funds of the city as the Council shall designate. The City Manager shall be reimbursed for all actual and necessary expenses incurred in the performance of the duties of said office provided that receipts shall be submitted for all such expenses. (Ord. 2504 § 2 (part), 1999: prior code § 2506 [2206])

2.12.080 City Council direction to City Manager.

The City Manager shall take direction and orders from

the City Council only through and at a duly convened meeting of the City Council. For this purpose, the Mayor or any Councilmember may request any proposed direction or order to the City Manager to be placed on the agenda for consideration and action by the City Council at its next regularly scheduled meeting. The City Council may direct or order the City Manager on all matters within its jurisdiction. Neither the Mayor nor any Councilmember shall give any direction or order to the City Manager except as provided herein. However, the Mayor and each Councilmember may inquire of the City Manager on any matter pertaining to the affairs and operations of the city or the performance of the duties of the City Manager. Further, the Mayor and Councilmembers may discuss or suggest anything pertaining to the affairs and operation of the city with the City Manager. (Ord. 2504 § 2 (part), 1999: prior code § 2507 [2207])

2.12.090 City Council relations with administration.

The Mayor and Councilmembers shall deal with the department heads and employees of the city government only through the City Manager; and neither the Mayor nor any Councilmember shall give orders to any employee of the city government. However, the Mayor and Councilmembers may inquire about the affairs and operations of the city government from a department head or employee of the city government; but neither the Mayor nor any Councilmember may direct, instruct or order a department head or employee of the city government. Whenever the Mayor or a Councilmember requests information, the department head or employee shall to whom the request was made shall advise the City Manager immediately as to the nature and timing of the information requested. In the event that the information requested may be confidential or subject the city to liability for its disclosure, the City Manager shall request a ruling thereon from the City Attorney. Unless instructed to the contrary by the City Manager or the City Attorney, the department head or employee shall provide the information requested within a reasonable period of time to the Mayor or Councilmember who made the request. The City Manager shall not take any part in securing, nor shall contribute any money, toward the nomination or election of any candidate for municipal office. (Ord. 2504 § 2 (part), 1999: prior code § 2508 [2208])

2.12.100 Cooperator with the City Manager.

It shall be the duty of all department heads, employees, the City Attorney, the City Clerk and the City Treasurer to assist and cooperate with the City Manager in the discharge of his or her duties and powers and the admin-

istration of the affairs of the city. (Ord. 2504 § 2 (part), 1999: prior code § 2209)

2.12.110 Attendance at Commission meetings.

The City Manager may attend any and all meetings of the Planning Commission, and any other commission, board, or committee created by the City Council, upon his or her own volition or upon direction of the City Council. At any such meeting, which the City Manager attends, he or she shall be heard by such commission, board, or committee as to all matters upon which he or she wishes to address the members thereof. The City Manager shall inform such commission, board, or committee as to the status of any matter being considered by the City Council pertaining to that body, and shall cooperate to the fullest extent with members of all commissions, boards, or committees appointed by the City Council. (Ord. 2504 § 2 (part), 1999: prior code § 2210)

2.12.120 Contract authority.

The authority to enter into contracts and to bind the city to any contract is reserved to the City Council except as explicitly delegated to the City Manager herein. Any contract signed or entered into by the City Manager contrary to the provisions hereof and any resolution adopted hereunder shall be null and void. The sole authority of the City Manager to sign contracts or to enter into contracts on behalf of the city shall be limited to the following:

A. The City Manager may sign any contract approved by the City Council, which approval authorized the City Manager to sign the contract on behalf of the city; and

B. The City Manager may enter into contracts binding the city provided that the City Council adopts a resolution that specifies the subject matter of such contracts, the dollar amount of such contracts for budgeted items or services only, the period of such authorization and the approval of the City Attorney as to the form of such contracts. (Ord. 2504 § 2 (part), 1999: prior code § 2211)

2.12.130 Removal of City Manager.

A. The City Council may remove the City Manager at any time upon a majority vote of the City Council. In case of an intended removal, the City Manager shall be furnished with a written notice thereof, at least, forty eight (48) hours prior to the intended removal. The City Council may remove the City Manager, in its sole discretion; and its action to remove shall be final and it shall not depend upon any particular showing.

B. Notwithstanding the provisions of subsection A of this section, the City Manager shall not be removed from office during or within a period of ninety (90) days next succeeding any general municipal election held in the city at which election the Mayor or a Councilmember is elected. The purpose of this provision is to allow any newly elected Mayor or Councilmember, or a reorganized City Council, to observe the actions and ability of the City Manager in the performance of the powers and duties of the office. Nothing herein shall be construed to prevent the City Council from removing the City Manager for acts of moral turpitude or of violation of any law which would bring disrepute upon his or her office or has committed any acts of dishonesty. (Ord. 2504 § 2 (part), 1999: prior code § 2212)

Chapter 2.16

CITY ATTORNEY

Sections:

2.16.010	Office of City Attorney.
2.16.020	Duties of the City Attorney.
2.16.030	Authority of the City Attorney.
2.16.040	Cooperation with the City Attorney.
2.16.050	Contract approval.
2.16.060	Compensation.
2.16.070	Term of office.
2.16.080	Agreement.

2.16.010 Office of City Attorney.

A. The office of City Attorney is hereby established which shall consist of one person holding the office of City Attorney who shall be appointed by the City Council and such Assistant and Deputy City Attorneys as may be appointed by the City Attorney. All persons holding the Office of City Attorney, Assistant or Deputy City Attorney shall be admitted and licensed to practice law in California. The person appointed to the office of City Attorney shall possess sufficient experience, knowledge and judgment in municipal law as may be required by the City Council.

B. The City Attorney, each Assistant and Deputy City Attorney shall take and sign an oath of office and file same with the City Clerk prior to assuming the duties of said office provided that no oath shall be required by any lawyer contracted as special counsel by the City Council.

C. For purposes of the Governmental Tort Claims Act, the City Attorney, each Assistant and Deputy City Attorney is an employee of the city. (Ord. 2502 § 1 (part), 1999: prior code § 2250)

2.16.020 Duties of the City Attorney.

A. The City Attorney shall be legal counsel to the city on legal matters affecting or pertaining to the city. In such capacity, the City Attorney shall advise the City Council, all boards and commissions of the city, all officials, officers and employees of the city on all legal matters affecting or pertaining to the city which are brought to the attention of the City Attorney by the Mayor, a City Councilmember, the City Administrator, or the City Administrator's designee, provided that the City Attorney, at all times, shall represent the interests of the city.

B. The duties of the City Attorney shall include the following:

1. Attend regular meetings of the City Council unless excused by the Mayor or the City Council;
2. Attend special meetings of the City Council as may be requested by the Mayor or City Administrator;
3. Attend regular and special meetings of the Planning Commission;
4. Attend regular and special meetings of the City's boards or commissions as may be necessary from time to time;
5. Approve or prepare all ordinances and resolutions;
6. Approve, negotiate and/or prepare all contracts to which the city is a party, which shall be a condition of their validity and effectiveness;
7. Defend all actions brought against the city, its elected and appointed officials, and all of its employees except as otherwise permitted by law;
8. Prosecute all civil actions in favor of the city as may be authorized by the City Council;
9. Prosecute any civil actions in favor of the city which are authorized by statute if said statute provides for the recovery of attorneys fees and if, in the opinion of the City Attorney it is reasonably likely that the city would recover attorneys fees sufficient to pay for the cost of litigation;
10. Prosecute all violations of the El Monte Municipal Code which constitute infractions or misdemeanors;
11. Report to the City Council on the legal affairs of the city in the manner and time as requested by the City Council;
12. Review and supervise all liability claims filed against the city except for those asserted against the police department or employees thereof;
13. Supervise the Assistant and Deputy City Attorneys and each special counsel retained by the City Council;
14. Such duties and functions as the City Council may delegate by contract or resolution. (Ord. 2502 § 1 (part), 1999: prior code § 2251)

2.16.030 Authority of the City Attorney.

The City Attorney is vested with the following authority and functions:

A. Appear in all courts of competent jurisdiction on behalf of the city and represent the interests of the city in all actions or proceedings, whether legal, equitable or otherwise, to which the city or its officials, officers and employees may become parties.

B. Contract for special counsel to provide legal services and for litigation experts to provide specialized knowledge to the city provided that all such contracts shall be approved by the City Council and that the cost

thereof shall not exceed the amounts authorized or approved by the City Council.

C. Delegate any duty of the City Attorney to an Assistant City Attorney, a Deputy City Attorney or special counsel.

D. Negotiate, review and/or approve all contracts to which the city is a party and recommend their approval to the City Council.

E. Join, as Amicus, those appeals to which the city is not a party but the outcome of which would affect the interests of the city. (Ord. 2502 § 1 (part), 1999: prior code § 2252)

2.16.040 Cooperation with the City Attorney.

A. All elected officials, officers, appointees, employees, contractor employees and contractors of the city shall provide assistance, cooperation and information to the City Attorney in the performance of the duties and functions described herein.

B. All officers, appointees, employees, contractor employees and contractors of the city shall disclose all information known to them about any matter that may affect or pertain to the legal interests of the city. (Ord. 2502 § 1 (part), 1999: prior code § 2253)

2.16.050 Contract approval.

No officer, appointee, employee or contractor employee of the city shall negotiate any contract on behalf of the city without the advice, consent and direction of the City Attorney. No officer, appointee, employee or contractor employee of the city shall enter into any contract on behalf of the city without the written approval of the City Attorney and the authorization of the City Council. Any contract entered into on behalf of the city contrary to the provisions hereof shall be null and void and not binding on the city. (Ord. 2502 § 1 (part), 1999: prior code § 2254)

2.16.060 Compensation.

The City Council shall determine the compensation of the City Attorney by resolution and/or written agreement. The City Council may grant such benefits that are available to the management employees of the city to the City Attorney, Assistant City Attorney or Deputy City Attorney. The City Council may reimburse such attorneys for their reasonable travel and lodging expenses when necessary to perform the city's business or attend seminars on municipal matters. (Ord. 2502 § 1 (part), 1999: prior code § 2255)

2.16.070 Term of office.

The person appointed to the office of City Attorney

shall hold said office at the pleasure of the City Council or for such term prescribed by the City Council provided that said term shall not exceed three (3) years from the date of any appointment or from the date of any renewal of such term or appointment. (Ord. 2502 § 1 (part), 1999: prior code § 2256)

2.16.080 Agreement.

The City Council may enter into a written agreement with the City Attorney or any Assistant City Attorney or Deputy City Attorney prescribing the term of such appointment and such other terms and conditions of employment as may be deemed necessary and reasonable including compensation provided that said agreement may not conflict with the provisions of this chapter. (Ord. 2502 § 1 (part), 1999: prior code § 2257)

Chapter 2.20

DEPARTMENT OF FINANCE

Sections:

- 2.20.010 Creation.
- 2.20.020 Powers, duties and responsibilities.
- 2.20.030 Financial reports.
- 2.20.040 Appointment of deputies.
- 2.20.050 Bond.
- 2.20.060 Substituting of Director of Finance for Clerk.

2.20.010 Creation.

In accordance with Title 4, Division 3, Part 3, Chapter 2, Article 1, Section 40805.5 of the Government Code of the state of California, and in order to establish a central agency for the uniform processing and development of all fiscal, accounting and budgetary functions within the city government, there is established a Department of Finance. (Prior code § 2800)

2.20.020 Powers, duties and responsibilities.

The office of Director of Finance is established. The Director of Finance shall be the head of the Finance Department of the city and shall supervise and direct the activities and functions of the Department of Finance. He or she shall have the power and be vested and charged with the following duties and responsibilities under the jurisdiction and direction of the City Administrative Officer:

A. Plan, organize, direct and supervise the accounting, auditing, budget preparation, cost accounting, licensing and computer service activities, functions and systems of the city;

B. As liaison deputy for the City Administrative Officer, coordinate various city tax and other revenue producing programs and assist the City Administrative office on special city-wide management functions and projects, such as long-term capital budgeting, community redevelopment and insurance programs;

C. Maintain and operate the general accounting system of the city and of each of the respective departments, divisions and services thereof, and prescribe the accounting and bookkeeping procedure that may now or hereafter be established or in operation in any department;

D. Perform such accounting functions and duties in accordance with the latest and most modern accounting methods as the sentence of accounting progresses;

E. Assist in the preparation of the annual budget and in the administration thereof as the City Administrative Officer may direct; prepare instructions and forms for securing budget estimates and projections to effect a balanced budget; supervise the preparation of copies of the budget and its distribution; study financial management and accounting methods for city functions and recommend improvements;

F. Assume and perform all municipal functions and duties relating to the preparation, pre-auditing, presenting and disbursement of claims, warrants and demands against the city, including payrolls, to insure that budget appropriations are not exceeded; audit all expenditures as to budget or Council authorization; audit and approve for payment all bills, invoices, payrolls and demands; prepare and submit to the City Council periodically a register of audited demands in conformance with state law; supervise and be responsible for the disbursement of all moneys;

G. Review revenue and expenditure reports in comparison with the approved budget and recommend controls necessary to keep budget in balance, and participate in the development of instructions and forms for the planning of a capital outlay program;

H. Cooperate in the purchase of all services, supplies, goods, wares, merchandise, equipment and material which may be required by the city; give general direction for the purchasing function of the city and audit and approve all purchase orders for payment; conduct special studies, prepare special reports and assist in general city management problems as directed by the City Administrative Officer;

I. Supervise the License Division and the City Treasurer's functions in cooperation with the elected City Treasurer and supervise the Water Department financial accounting and the Computer Services Division;

J. Under the direction of the City Administrative Officer, plan and direct the implementation of appropriate policies, operating methods and operating results of the program of business licensing, motel-hotel tax, sales tax, cashing and insurance escrows, including the preparation of regular and special reports covering the revision, improvement, or adjustment of these programs and related services, fees or expenditures;

K. On behalf of and as directed by the City Administrative Officer, provide liaison with the office of the City Treasurer;

L. On behalf of the City Administrative Officer and in cooperation with other departments, develop and administer a long-term capital budget providing for the construction of essential facilities as needed and the financing thereof;

M. Perform all the financial and accounting duties heretofore imposed upon the City Clerk or the City Controller, and the City Clerk and the City Controller shall be relieved of such duties, including all such duties imposed upon the City Clerk by Article 1 of Chapter 4, Part 2, Division 3, Title 4, and by Sections 40802 through and including 40805 of the Government Code of the state of California;

N. Cooperate with other department heads in offering assistance on financial problems and maintaining records and cost records of financial activities;

O. Perform such duties as may be imposed upon him or her by law or by the direction of the City Council or the City Administrative Officer. (Prior code § 2801)

to that extent all said ordinances, parts of ordinances, resolutions and parts of the Code are amended to read as if the term "Director of Finance" were used. (Prior code § 2807)

2.20.030 Financial reports.

The Department of Finance shall prepare and present to the City Administrative Officer the following reports in sufficient detail as to show the exact financial condition of the city:

A. Quarterly, or more frequently as the City Administrative Officer may direct, a statement of all receipts, disbursements and balances of the city;

B. An annual statement of report on the financial condition of the city;

C. Such other financial and activity reports as may be required by the City Council or the City Administrative Officer;

D. Reports for state and private agencies. (Prior code § 2802)

2.20.040 Appointment of deputies.

With the consent of the City Administrative Officer, the Director of Finance may appoint one or more deputies, as may be necessary. (Prior code § 2805)

2.20.050 Bond.

The Director of Finance shall execute a bond to the city in the same amount as required of the City Clerk by the provisions of Section 36518 of the Government Code of the state, said bond to be in a reasonable amount recommended by the City Attorney and approved by the City Council by resolution, but in no event less than five thousand dollars (\$5,000.00). (Prior code § 2806)

2.20.060 Substituting of Director of Finance for Clerk.

In all ordinances or parts of ordinances and resolutions where the words "City Clerk" are used pertaining to any financial or accounting duties, or the words "City Controller" are used in any context, said words shall be read and construed to be and mean "Director of Finance," and

Chapter 2.24

CITY PLANNING COMMISSION

Sections:

2.24.010	Creation.
2.24.020	Definitions.
2.24.030	Membership.
2.24.040	Vacancies and removal.
2.24.050	Internal organization.
2.24.060	Duties and powers.
2.24.070	Financial limitation.
2.24.080	Stipend.
2.24.090	Retroactive application of 2004 amendments to Chapter 2.24.

2.24.010 **Creation.**

A City Planning Commission is established. (Prior code § 2400)

2.24.020 **Definitions.**

For the purposes of this chapter, the terms set forth in this section shall have the following meanings unless otherwise indicated in this chapter.

“Acting Council” means the El Monte City Council acting and operating under circumstances in which at least one, but no more than two (2), of its five (5) Council seats are vacant.

“Brown Act” means the Ralph M. Brown Act (Government Code Section 54950 et seq.) of the state of California.

“City” means the city of El Monte, a California Municipal Corporation.

“Code” means the El Monte Municipal Code.

“Commission” means the City Planning Commission of the city of El Monte which is composed of five (5) Commission seats.

“Commission seat” means any one of the five (5) membership positions on the Commission which are occupied by each of the five (5) Commissioners. The plural term “Commission seats” shall be used to refer to more than one Commission seat or all five (5) Commission seats, whichever meaning is reasonably appropriate given the context.

“Commissioner” means any one of the five (5) occupants of the five (5) Commission seats that constitute the City Planning Commission of the city of El Monte. The plural term “Commissioners” can refer to more than one Commissioner or all five (5) Commissioners, whichever meaning is reasonably appropriate given the context.

“Council” means the legislative body of the city of El Monte, namely the El Monte City Council, which is com-

posed of five (5) Council seats, including a Council seat occupied by the Mayor.

“Council seat” means any one of the five (5) membership positions on the Council which are occupied by each of the five (5) Councilmembers. The plural term “Council seats” can refer to one or more.

“Councilmember” means any one of the five (5) occupants of the five (5) Council seats that constitute the Council. The plural term “Councilmembers” shall be used to refer to all five (5) of the occupants of the five (5) Council seats that constitute the Council.

Normal Expiration Date. With respect to a Council seat, the phrase “normal expiration date” means the date upon which the term of office for a particular Council seat would otherwise expire, absent an early vacancy or removal. For example, in the case of a Council seat occupied by the Mayor, the normal expiration date is a date that is two (2) years from the date a person is sworn in as Mayor. In the case of all other Council seats, the normal expiration date is a date that is four (4) years from the date a person is sworn in as a Councilmember. (Ord. 2629 § 1 (part), 2004: amended during 1999 recodification; prior code § 2401)

2.24.030 **Membership.**

A. **Composition of Commission.** The Commission shall consist of five (5) Commissioners. Each of the five (5) Councilmembers may nominate one person to fill one of the five (5) Commission seats, subject to approval by the Council. Except as may otherwise be provided in this chapter, three (3) members of the Commission shall constitute the minimum quorum necessary for the Commission to conduct business and take action.

B. **Tenure At-Will.** Each Commissioner serves at the pleasure of the Councilmember who appointed the Commissioner to the Commission. Any Councilmember may, at any time with or without cause, remove a Commissioner he or she previously nominated to the Commission and have that Commissioner replaced by an alternate nominee, provided such alternate nominee is duly approved by the Council in the manner prescribed in subsection A of this section.

C. **Length of Service.** Subject to the terms of subsection B of this section and Section 2.24.040 of this chapter, the tenure of a Commissioner shall terminate automatically upon the normal expiration date of the Council seat occupied by the Councilmember who nominated the Commissioner to the Commission. Except as otherwise provided in this subsection, a Commissioner whose tenure has automatically expired may be re-nominated and re-approved to serve a subsequent Commission term. The foregoing notwithstanding, no Commis-

sioner under any circumstance shall serve on the Commission for a period in excess of eight (8) consecutive years. Also, no person who has previously served on the Commission for a period of eight (8) consecutive years or more may be nominated or approved to serve on the Commission prior to the lapse of one full year from the date his or her prior tenure of eight (8) consecutive years came to an end.

D. **Basic Qualifications.** No person shall be eligible for appointment as a Commissioner unless at the time of such appointment he or she is: (1) eighteen (18) years of age or older; and (2) for at least one year prior to such appointment was a resident of the city of El Monte. No person shall continue to serve as a Commissioner once he or she ceases to be a resident of the city of El Monte. When the city of El Monte ceases to be the primary place of residence for a Commissioner, the Council shall declare his or her Commission seat vacant.

E. **Restriction on Assuming Other Offices or Positions.** No Commissioner shall hold or assume any other remunerative office or position with the city or the El Monte Community Redevelopment Agency after being sworn in as a Commissioner. In the absence of a state or federal statute to the contrary, no Commissioner may occupy another public office, whether elected or appointed, while serving on the Commission, including but not necessarily limited to, election or appointment to any project area committee created pursuant to California's Community Redevelopment Law (Health and Safety Code Sections 33000 et seq.). The foregoing, shall not preclude a Commissioner from serving on a commission, committee or other public board, where the Commissioner is serving as the Commission-nominated and Council-approved representative of the Commission. Any Commissioner serving on such a commission, committee or other public board in such a capacity serves at the pleasure of the Commission and the Council and may be removed from such commission, committee or other public board by either the Commission or the Council at any time with or without cause. (Ord. 2629 § 1 (part), 2004: prior code § 2401.1)

2.24.040 Vacancies and removal.

A. **General Vacancies on the Commission Itself.** If a Commissioner vacates a Commission seat for any reason, the vacating Commissioner shall be replaced in a manner that conforms to the terms of Section 2.24.030 of this chapter.

B. **Impact of Vacancies on the City Council.** If a Councilmember vacates a Council seat, the presently serving Commissioner nominated by the vacating Council-

member shall continue to serve up to the normal expiration date of the Council seat occupied by the vacating Councilmember, unless and until either of the following occurs:

1. The vacated Council seat is filled (either by election or appointment) and the person filling the vacated Council seat, after being sworn into office, appoints an alternate nominee to serve in place of the presently serving Commissioner; or

2. Prior to the normal expiration date of the Council seat occupied by the vacating Councilmember and prior to the swearing in of an elected or appointed replacement Councilmember, no less than three (3) members of the Acting Council vote in favor of another person to serve in place of the vacating Councilmember's presently serving Commissioner. Any alternate person so appointed shall serve at the pleasure of the Council and only until the person who fills the vacated Council seat is sworn into office.

C. **Removal by Council for Cause.** The Council, by direct action or upon the recommendation of the Commission, may remove a Commissioner for cause in the event of the following:

1. **Conduct Unbecoming.** The Commissioner engages in conduct unbecoming of a representative for the city of El Monte, including but not limited to, the conviction of a felony or any crime of moral turpitude; wrongfully and knowingly representing personal positions, opinions, or beliefs as being those of the entire Commission or the city of El Monte; the criminal or negligent misappropriation or misuse of Commission funds or other city property (including city funds); or legally binding (or attempting to legally bind) the Commission or the city of El Monte to promises, assurances or agreements that have not been duly ratified by the Commission or the Council, whichever is the appropriate ratifying body; or

2. **Unexcused Absences from Meetings.** The Commissioner fails to attend three (3) consecutive regularly scheduled meetings of the Commission without the prior consent of the Commission. All approved absences must be noted in the minutes of the Commission in order to be valid.

A vote of no less than three (3) Councilmembers shall be required to remove a Commissioner on any of the grounds set forth in this subsection. Furthermore, such grounds for removal shall be in addition to (and not in lieu of) any other applicable grounds set forth in the code. Whether or not the Council makes any findings for or against the removal of a Commissioner pursuant to this subsection and regardless of the recommendation, or absence of a recommendation on the part of the Commission, nothing in this subsection shall, under any circumstance, preclude the removal of a Commissioner, with or

without cause, pursuant to Section 2.24.030(B) of this chapter, or subsection B or D of this section.

D. **Failure to Appoint.** In the event a Commission seat remains vacant for a period in excess of ninety (90) days due to a Councilmember's failure to exercise his or her authority to nominate a person to fill a vacant Commission seat, the Council, may in its sole discretion fill that vacancy, provided any such person so selected receives no less than three (3) votes in favor of appointment. Any person so appointed to the Commission by the Council shall serve at the pleasure of the Council for a term of one year commencing from the date upon which such person is sworn in.

E. **Ineligibility Following Vacancy or Removal.**

1. **Ineligible Persons.** The following persons shall be ineligible for nomination or appointment to the Commission for a period of one year from the date of their vacancy or removal from the Commission, whichever the case may be:

a. Any Commissioner who voluntarily vacates a Commission seat;

b. Any Commissioner removed by the Councilmember who appointed the Commissioner to the Commission, except as otherwise provided in subsection (E)(2)(b) of this section; and

c. Any Commissioner removed by the Council pursuant to subsection C of this section.

2. **Exceptions to Ineligibility Restriction.** The eligibility restrictions set forth in subsection (E)(1) of this section, shall not apply to the following:

a. Any Commissioner whose tenure on the Commission has simply expired unless the Commissioner has completed eight (8) consecutive years of service on the Commission upon the expiration of the Commissioner's tenure;

b. Any Commissioner who was previously removed from the Commission by the Councilmember who nominated the Commissioner to the Commission but who is later re-nominated to serve on the Commission on behalf of another Councilmember;

c. Any Commissioner removed pursuant to subsection B of this section;

d. Any Commissioner removed at the pleasure of the Council after having been appointed to the Commission by the Council pursuant to subsection D of this section.

If a person is reappointed to the Commission under any of the exceptions set forth in this subsection and such reappointment occurs within one year from the date of the Commissioner's prior removal or completion of service, any consecutive time served on the Commission prior to such removal or completion of service shall, upon his or

her swearing in, be counted toward the eight (8) consecutive year limitation set forth in Section 2.24.030(C) of this chapter. (Ord. 2629 § 1 (part), 2004; Ord. 2526 § 4, 2000)

2.24.050 Internal organization.

A. **Chair and Vice-Chair.** On the first meeting in January of each calendar year, the Commissioners shall nominate and elect from among themselves one Commissioner to serve as Chair of the Commission and one Commissioner to serve a Vice-Chair of the Commission. A Commissioner elected to serve as Chair or Vice-Chair shall occupy that post for a term of one year, unless the Commissioners vote to remove the Chair or Vice-Chair before the end of their terms by no less than four (4) votes with all Commissioners present for the vote or unless a Commissioner serving as Chair or Vice-Chair is removed from the Commission or vacates his or her Commission seat. The Chair shall preside over all meetings of the Commission. The Vice-Chair shall assume the duties of the Chair when the Chair is absent from a meeting of the Commission. In the event the Commissioner serving as Chair is removed from the Commission or vacates his or her Commission seat, the Vice-Chair shall assume the position of Chair for the remainder of the removed or vacating Chair's one-year term. If the Vice-Chair is elevated to the post of Chair due to the removal or vacation of the post by the departing Chair, the Commission shall elect a new Vice-Chair from among themselves no later than the next regularly scheduled meeting of the Commission.

B. **Additional Offices.** Subject to all restrictions applicable to Commissioners under this chapter, the Commission may create and fill such other internal offices as it may determine to be advisable or desirable.

C. **Meetings.** The Commission shall hold duly-noticed, regular meetings on the second and fourth Tuesday of each month at seven p.m. in the Council Chambers of the El Monte City Hall, City Hall East, 11333 Valley Boulevard, El Monte, California or at such other time and/or location as may be convenient or necessary, provided timely notice of such alternate time and/or location is given. In no event shall the Commission fail to meet at least once each month. The Commission may hold such additional adjourned or special meetings as may be called in accordance with the provisions of the Brown Act and any other applicable state statutes or provisions of the code. If the second or fourth Tuesday of a given month falls on the same date as a federal, state or city holiday, such regular meeting may be adjourned to the next regular meeting day after such holiday and all meetings otherwise scheduled or noticed to be held on a regular meeting day falling upon such holiday shall be held on the next regular

meeting day following the holiday without the necessity of any further notice.

D. **Internal Rules for the Conduct of Business.** Subject to Council overrule and in conformity with the Brown Act and all other applicable federal and/or state laws or this code, the Commission may adopt rules for the transaction of business and shall keep a record of its resolutions, transactions, findings and determinations, which record shall be a public record subject to disclosure in the absence of any applicable statutory or common law privileges, restrictions or exemptions.

E. **Administrative Support Staff.** The Planning Division of the El Monte Community Development Department (hereinafter, the "Division") shall be the city division responsible for working with and providing administrative support to the Commission as it conducts its business. The Division shall make its phone and fax numbers available to each Commissioner. At least two (2) staff member of the Division shall attend each regularly scheduled, adjourned or special meeting of the Commission. (Ord. 2629 § 1 (part), 2004; prior code § 2403)

2.24.060 Duties and powers.

The Commission shall have all the rights, privileges, powers and duties applicable to general law cities as set forth under Title 7 (Planning and Land Use) of California's Planning and Zoning Law (Government Code Sections 65000 et seq.) hereinafter referred to as the "Planning and Zoning Law." Such statutory rights, privileges, powers and duties are incorporated into this section by reference and made a part hereof as if the same were set forth in full in so far as the same relates to general law cities. All of the rights, privileges, powers and duties relating to general law cities under the Planning and Zoning Law are granted to the Commission, the Council, the members thereof and those applicable city officials with administrative authority over the city's planning and zoning processes, including but not limited to, the City Manager, the Deputy City Manager for Community Development, the Planning Services Manager or their respective designees. All of the duties required to be performed under the Planning and Zoning Law or under this code, shall be so performed in the time and manner provided therein. In the event any provision of this chapter is in conflict with, or contrary to, the Planning and Zoning Law, the Planning and Zoning Law shall prevail. (Ord. 2629 § 2 (part), 2004)

2.24.070 Financial limitation.

Neither the Commission, nor any Commissioner or group of Commissioners thereof, nor any person employed thereby, shall incur any financial liability or execute any

contract in the name of or on the behalf of the city of El Monte or its various departments or divisions, without the express, prior consent and authorization of the Council by resolution. (Ord. 2629 § 2 (part), 2004)

2.24.080 Stipend.

The Council, in its sole discretion, may permit the granting of a stipend to Commissioners or compensation for Council-authorized costs and expenses incurred by a Commissioner on behalf of the Commission or the city of El Monte. The Council, in its sole discretion may set, increase or decrease the amount or rate of the stipend at any time with or without cause or notice to the Commissioners. Service on the Commission is voluntary and any stipend Commissioners may receive shall not be construed as an inducement to, or consideration for, their service on the Commission but merely a means to defray costs and expenses incident to such service. Commissioners shall have no vested interest in receiving any stipend the Council, in its sole discretion, may elect to provide. Accordingly, the Council may reduce the amount or rate of stipends or eliminate the grant of stipends altogether at any time it determines such action is necessary or desirable. Any of the actions authorized under this section shall be accomplished by resolution of the Council. (Ord. 2629 § 2 (part), 2004)

2.24.090 Retroactive application of 2004 amendments to Chapter 2.24.

The 2004 amendments to Chapter 2.24 (City Planning Commission) shall, and are intended to, apply retroactively to those Commissioners serving on the Commission at the time these amendments become effective. Accordingly, any Commissioner who completes eight (8) consecutive years of service on the Commission, including consecutive years of service that precede the adoption of these 2004 amendments, shall be precluded from serving on the Commission prior to the lapse of one full year from the completion of his or her tenure of eight (8) consecutive years of service. (Ord. 2629 § 2 (part), 2004)

Chapter 2.25

EL MONTE VETERANS AND HOMELESS AFFAIRS COMMISSION

Sections:

2.25.010	Creation.
2.25.020	Definitions.
2.25.030	Membership.
2.25.040	Vacancies and removal.
2.25.050	Internal organization.
2.25.060	Duties and powers.
2.25.070	Financial limitation.
2.25.080	Stipend.

2.25.010 Creation.

There is created and established an El Monte Veterans and Homeless Affairs Commission. (Ord. 2590 § 1 (part), 2003)

2.25.020 Definitions.

For the purposes of this Chapter 2.25 (El Monte Veterans and Homeless Affairs Commission), the terms set forth in this section shall have the following meanings unless otherwise indicated in this chapter:

“Acting Council” means the El Monte City Council acting and operating under circumstances in which no more than two (2) of its five (5) Council seats are vacant.

“Brown Act” means the Ralph M. Brown Act (Government Code Section 54950 et seq.) of the state of California.

“City” means the city of El Monte, a California Municipal Corporation.

“Code” means the El Monte Municipal Code.

“Council” means the legislative body of the city of El Monte, namely the El Monte City Council, which is composed of five (5) Council seats, including a Council seat occupied by the Mayor.

“Councilmember(s)” means one of the five (5) occupants of the five (5) Council seats that constitute the Council. The term “Councilmembers” shall be used to refer to all five (5) of the occupants of the five (5) Council seats that constitute the Council.

“Council seat” means any one of the five (5) membership positions on the Council which are occupied by each of the five (5) Councilmembers.

“Commission” means the El Monte Veterans and Homeless Affairs Commission.

“Commissioner” means any one of the nine (9) occupants of the nine (9) Commission seats that constitute the Commission. The term Commissioner, when used without

a modifying or qualifying adjective or term, includes Regular Commissioners and Service Provider Commissioners.

“Commission seat” means any one of the nine (9) membership positions on the El Monte Veterans and Homeless Affairs Commission which are occupied by each of the nine (9) Commissioners. The term “Commission seats” shall be used to refer to all nine (9) membership positions on the El Monte Veterans and Homeless Affairs Commission, collectively.

“Department” means the El Monte Community Development Department whose head is the City’s Deputy City Manager for Community Development.

“Normal expiration date” with respect to a Council seat, the phrase “normal expiration date” means the date upon which the term of office for a particular Council seat would otherwise expire, absent an early vacancy or removal. For example, in the case of a Council seat occupied by the Mayor, the normal expiration date is a date that is two (2) years from the date a person is sworn in as Mayor. In the case of all other Council seats, the normal expiration date is a date that is four (4) years from the date a person is sworn in as a Councilmember.

“Regular Commission seat” means those five (5) of the nine (9) Commission seats to be occupied by persons selected by each of the Councilmembers.

“Regular Commissioner” means any one of the five (5) persons appointed to a Regular Commission seat. The term “Regular Commissioners” refers to more than one Regular Commissioner or all five (5) Regular Commissioners.

“Service Provider Commission seat” means those four (4) of nine (9) Commission seats to be occupied by persons appointed by the Department. Two (2) of the Service Provider Commission seats shall be occupied by persons who are representatives of veterans affairs or veterans advocacy organizations whose service area includes the city. Two (2) of the Service Provider Commission seats shall be occupied by persons who are representatives of homeless assistance or homeless advocacy organizations whose service area includes the city.

“Service Provider Commissioner” means any one of four (4) persons appointed by the Department to occupy one of the four (4) Service Provider Commission seats. The term “Service Provider Commissioners” refers to more than one Service Provider Commissioner or all four (4) Service Provider Commissioners. (Ord. 2590 § 1 (part), 2003)

2.25.030 Membership.

A. Composition of Commission. The Commission shall consist of nine (9) Commissioners. Each of the five

(5) Councilmembers may nominate one person to fill one of the five (5) Regular Commission seats, subject to approval by the Council. Regular Commissioners shall be voting members of the Commission. The Department shall select four (4) persons who shall occupy the four Service Provider Commission seats. The four (4) Service Provider Commission seats shall be non-voting, advisory positions. In selecting Service Provider Commissioners, the Department shall strive to select representatives of organizations with a demonstrated commitment to serving the residents of the city of El Monte, among other criteria. Except as may otherwise be provided in this chapter, the presence of three (3) Regular Commissioners shall constitute the minimum quorum necessary for the Commission to conduct business and take action.

B. **Tenure At-Will.** Each Regular Commissioner serves at the pleasure of the Councilmember who appointed the Regular Commissioner to the Commission. Any member of the Council, at any time with or without cause, may remove the Regular Commissioner he or she previously nominated to the Commission and have that Regular Commissioner replaced by an alternate nominee, provided such nominee is duly approved by the Council in the manner prescribed in Section 2.25.030(A), above. Each Service Provider Commissioner serves at the pleasure of the Department and may be removed by the Department at any time with or without cause and replaced by an alternate appointee.

C. **Length of Service.**

1. **Regular Commissioners.** Subject to the terms of Sections 2.25.030(B) and 2.25.040, the tenure of a Regular Commissioner shall terminate automatically upon the normal expiration date of the Council seat occupied by the Councilmember who nominated the Regular Commissioner to the Commission. The foregoing notwithstanding, no Regular Commissioner, under any circumstance, shall serve on the Commission for a period in excess of eight (8) consecutive years. Also, no person who has previously served as Regular Commissioner for a period of eight (8) consecutive years or more may be nominated or approved to serve on the Commission prior to the lapse of one full year from the date his or her prior tenure of eight (8) consecutive years came to an end.

2. **Service Provider Commissioners.** Service Provider Commissioners shall serve for a term of two (2) years from the date they are sworn in to serve as Commissioners and may be reappointed by the Department, in its sole discretion, to serve subsequent two-year terms on the Commission. The foregoing two-year term shall not prevent the Department from removing a Service Provider

Commissioner at any time prior to the expiration of the two-year term.

D. **Basic Qualifications.**

1. **Regular Commissioners.** No person shall be appointed to serve as a Regular Commissioner unless at the time of such appointment he or she is, and for at least one year prior to such appointment was, a resident and qualified elector of the city of El Monte, eighteen (18) years of age or older. No person shall continue to serve as a Regular Commissioner once he or she ceases to be a resident of the city of El Monte. When a Regular Commissioner ceases to be a resident of the city of El Monte, the Regular Commission seat he or she occupies shall be declared vacated by the Council.

2. **Service Provider Commissioners.** A Service Provider Commissioner need not be a resident of the city of El Monte. A Service Provider Commissioner shall be eighteen (18) years of age or older, and shall be a representative of a veterans and/or homeless assistance and/or advocacy organization whose service area includes the city of El Monte. (Ord. 2590 § 1 (part), 2003)

2.25.040 Vacancies and removal.

A. **General Vacancies on the Commission Itself.** If a Commissioner vacates a Commission seat for any reason, the vacating Commissioner shall be replaced in a manner that conforms to Section 2.25.030, above.

B. **Impact of Vacancies on the City Council.** If a Councilmember vacates a Council seat, the presently serving Regular Commissioner who was nominated to serve on the Commission by the vacating Councilmember shall continue to serve up to the normal expiration date of the Council seat occupied by the vacating Councilmember, unless and until either of the following occurs:

1. The vacated Council seat is filled (either by election or appointment) and the person filling the Council vacancy, after being sworn into office, appoints an alternate nominee to serve in place of the presently serving Regular Commissioner; or

2. Prior to the normal expiration date of the Council seat occupied by the vacating Councilmember and prior to the swearing in of an elected or appointed replacement Councilmember, no less than three (3) members of the Acting Council vote in favor of another person to serve in place of the vacating Councilmember's presently serving Regular Commissioner. Any alternate person so appointed to the Commission shall serve at the pleasure of the Council and only until the person who fills the vacated Council seat is sworn into office.

C. **Removal by Council for Cause.** The Council, by direct action or upon the recommendation of the Commis-

sion, may remove a Commissioner for cause in the event of the following:

1. **Conduct Unbecoming.** The Commissioner engages in conduct unbecoming of a representative for the city of El Monte, including but not limited to the conviction of a felony or any crime of moral turpitude; wrongfully and knowingly representing personal positions, opinions, or beliefs as being those of the entire Commission or the city of El Monte; the criminal or negligent misappropriation or misuse of Commission funds or other city property (including city funds), or legally binding (or attempting to legally bind) the Commission or the city of El Monte to promises, assurances or agreements that have not been duly ratified by the Commission or the Council, whichever is the appropriate ratifying body; or

2. **Unexcused Absences from Meetings.** The Commissioner fails to attend three (3) consecutive regularly scheduled meetings of the Commission without the prior consent of the Commission. All approved absences must be noted in the minutes of the Commission in order to be valid.

A vote of no less than three (3) Councilmembers shall be required to remove a Commissioner on any of the grounds set forth in this Section 2.25.040(C). Furthermore, such grounds for removal shall be in addition to (and not in lieu of) any other applicable grounds set forth in the Code. Whether or not the Council makes any findings for or against the removal of a Commissioner pursuant to this Section 2.25.040(C) and regardless of the recommendation, or absence of a recommendation, on the part of the Commission, nothing in this Section 2.25.040(C) shall, under any circumstance, preclude the removal of a Commissioner, with or without cause, pursuant to Sections 2.25.030(B), 2.25.040(B) or 2.25.040(D).

D. **Failure to Appoint.** In the event a Regular Commission seat remains vacant for a period in excess of ninety (90) days due to a Councilmember's failure to exercise his or her authority to nominate a person to fill the vacant Regular Commission seat, the Council, may in its sole discretion fill that vacancy, provided any such person so appointed receives no less than three (3) votes in favor of appointment. Any person so appointed to the Commission as a Regular Commissioner by the Council shall serve at the pleasure of the Council for a term of one year commencing from the date such person is sworn in.

E. **Ineligibility Following Vacancy or Removal.**

1. **Ineligible Persons.** The following persons shall be ineligible for nomination or appointment to the Commission as Regular Commissioners for a period of one year from the date of their vacancy or removal from the Commission, whichever the case may be:

a. Any Regular Commissioner who vacates a Regular Commission seat;

b. Any Regular Commissioner removed by the Councilmember who appointed the Regular Commissioner to the Commission, except as otherwise provided in Section 2.25.040(E)(2)(b), below; and

c. Any Regular Commissioner or Service Provider Commissioner removed by the Council pursuant to Section 2.26.040(C), above.

2. **Exceptions to Ineligibility Restriction.** The eligibility restriction set forth in Section 2.25.040(E)(1), above, shall not apply to the following:

a. Any Regular Commissioner whose tenure on the Commission has simply expired unless the Regular Commissioner has completed eight (8) consecutive years of service on the Commission upon the expiration of the Regular Commissioner's tenure;

b. Any Regular Commissioner who was previously removed from the Commission by the Councilmember who nominated the Regular Commissioner to the Commission but who is later re-nominated to serve on the Commission as a Regular Commissioner on behalf of another Councilmember.

c. Any Commissioner removed pursuant to Section 2.25.040(B);

d. Any Regular Commissioner removed at the pleasure of the Council after having been appointed to the Commission by the Council pursuant to Section 2.25.040(D), above.

If a person is reappointed to the Commission as a Regular Commissioner under any of the exceptions set forth in this Section 2.25.040(E)(2) and such reappointment occurs within one year from the date of the Regular Commissioner's prior removal or completion of service, any consecutive time served on the Commission as a Regular Commissioner prior to such removal or completion of service shall, upon his or her swearing in, be counted toward the eight (8) consecutive year limitation set forth in Section 2.25.030(C)(1), above. (Ord. 2590 § 1 (part), 2003)

2.25.050 Internal organization.

A. **Chair and Vice-Chair.** At the Commission's first regularly scheduled meeting in the month of _____, 2003 and annually at its first regularly scheduled meeting in the month of _____ thereafter, the Commissioners shall nominate and elect from among themselves, one Commissioner who shall serve as Chair and one Commissioner who shall serve as Vice-Chair. A Commissioner elected to serve as Chair or Vice-Chair shall occupy that post for a term of one year,

unless the Commissioners vote to remove the Chair or Vice-Chair before the end of their terms by no less than five (5) votes with all Commissioners present or unless a Commissioner serving as Chair or Vice-Chair is removed from the Commission or vacates his or her Commission seat. The Chair shall preside over all meetings of the Commission. The Vice-Chair shall assume the duties of the Chair when the Chair is absent from a meeting of the Commission. In the event the Commissioner serving as Chair is removed from the Commission or vacates his or her Commission seat, the Vice-Chair shall assume the position of Chair for the remainder of the removed or vacating Chair's term. A Service Provider Commissioner may only serve as Chair or Vice-Chair with the consent of the Council.

B. Additional Offices: Subject to all restrictions applicable to Commissioners under this chapter, the Commission may create and fill such other internal offices as it may determine to be advisable or desirable.

C. Meetings: The Commission shall hold regular noticed meetings on the _____ of each month at _____ p.m. in the main City Council Chambers located at El Monte City Hall or at such other time and/or location as may be convenient or necessary, provided timely notice of such alternate time or location is given to the general public. In no event shall the Commission fail to meet at least once each month. The Commission may hold such additional adjourned or special meetings as may be called in accordance with the provisions of the Brown Act and any other applicable state statutes or provisions of the Code.

D. Internal Rules for the Conduct of Business. Subject to Council overrule and in conformity with the Brown Act and all other applicable laws or provisions of the Code, the Commission shall adopt rules for the transaction of business and shall keep a record of its resolutions, transactions, findings and determinations, which record shall be a public record subject to disclosure in the absence of any applicable statutory or common law exemption.

E. Administrative Support Staff. The El Monte Community Development Department (hereinafter, the "Department") shall be the city department responsible for working with and providing administrative support to the Commission as it conducts its business. The Department shall designate those members of its staff who shall have the special responsibility of overseeing the Department's work with the Commission and shall make the work number and work address of such staff members available to each Commissioner. At least one staff member of the Department shall attend each regularly scheduled, adjourned

or special meeting of the Commission. (Ord. 2590 § 1 (part), 2003)

2.25.060 Duties and powers.

A. General Mandate. The purpose of the Commission shall be to promote public and private undertakings aimed at improving the health, safety and welfare of the city's residents who are veterans of the United States Armed Forces and similar undertakings that address the special needs and concerns of veterans. The Commission shall also be tasked with the promotion of public and private undertakings aimed at reducing the incidence of homelessness within the city of El Monte and alleviating the underlying health and socio-economic conditions that increase the risk of homelessness. The Commission shall also be charged with advising the Council and educating the community on veterans and homeless issues, and with coordinating the efforts of associations, service groups and public agencies serving the city's veterans and homeless.

B. Duties and Powers. With the assistance and advice of Department staff, the Commission shall investigate, study and make recommendations to the Council concerning programs, legislation or other policies and undertakings which promote the health, safety and welfare of the city's United States Armed Forces veterans; reduce the incidence of homelessness; and alleviate the underlying health and socio-economic conditions that increase the risk of homelessness. With the prior authorization of the Council, the Commission shall: (1) work with and consult with various public and private entities to study more effective and efficient ways to improve the lives of the city's veterans and homeless; and (2) participate in activities and undertakings that will improve the lives of the city's veterans and homeless. (Ord. 2590 § 1 (part), 2003)

2.25.070 Financial limitation.

Neither the Commission, nor any Commissioner or group of Commissioners thereof, nor any person employed thereby, shall incur any financial liability or execute any contract in the name of or on the behalf of the city of El Monte or its various departments or divisions, with the express prior consent and authorization of the Council. (Ord. 2590 § 1 (part), 2003)

2.25.080 Stipend.

The Council, in its sole discretion, may permit the grant of a stipend to Commissioners or compensation for Council-authorized costs and expenses incurred by a Commissioner on behalf of the Commission or the city of El Monte. The Council, in its sole discretion may set, increase or decrease the amount or rate of the stipend at any

time with or without cause or notice to the Commissioners. Service on the Commission is voluntary and any stipend Commissioners may receive shall not be construed as an inducement to, or consideration for, their service on the Commission but merely a means to defray costs and expenses incident to such service. Commissioners shall have no vested interest in receiving any stipend the Council, in its sole discretion, may elect provide. Accordingly, the Council may reduce the amount or rate of stipends or eliminate the grant of stipends altogether at any time it determines such action is necessary or desirable. Any of the actions authorized under this section shall be accomplished by resolution of the Council. The foregoing notwithstanding, Service Provider Commissioner shall be not be eligible to receive a stipend. (Ord. 2590 § 1 (part), 2003)

Chapter 2.26

EL MONTE PATRIOTIC COMMISSION

Sections:

2.26.010	Creation.
2.26.020	Definitions.
2.26.030	Membership.
2.26.040	Vacancies and removal.
2.26.050	Internal organization.
2.26.060	Duties and powers.
2.26.070	Financial limitation.
2.26.080	Stipends.
2.26.090	Commission committees.
2.26.100	Honorary members.

2.26.010 Creation.

There is created and established an El Monte Patriotic Commission. (Ord. 2597 § 1 (part), 2003)

2.26.020 Definitions.

For the purposes of this Chapter 2.26 (El Monte Patriotic Commission), the terms set forth in this section shall have the following meanings unless otherwise indicated in this chapter:

“Acting Council” means the El Monte City Council acting and operating under circumstances in which at least one, but no more than two (2), of its five (5) Council seats are vacant.

“Advisory Committee” means that certain advisory body to the El Monte Patriotic Commission composed of representatives of various community organizations (including local service organizations) with a special interest in promoting and participating in patriotic events and activities within the city of El Monte.

“Advisory Committee Member” means any community organization representative who has been approved to be member of the Advisory Committee. The plural term “Advisory Committee Members” can refer to more than one Advisory Committee Member or all of the members of the Advisory Committee, whichever meaning is most appropriate given the context.

“Brown Act” means the Ralph M. Brown Act (Government Code Section 54950 et seq.) of the state of California.

“City” means the city of El Monte, a California Municipal Corporation.

“Code” means the El Monte Municipal Code.

“Commission” means the El Monte Patriotic Commission which is composed of ten (10) Commission seats.

“Commission seat” means any one of the ten (10) membership positions on the El Monte Patriotic Commission which are occupied by each of the ten (10) Commissioners. The plural term “Commission seats” may refer to one or more Commission seats or all ten (10) Commission seats, whichever meaning is reasonably appropriate given the context.

“Commissioner” means any one of the ten (10) occupants of the ten (10) Commission seats that constitute the El Monte Patriotic Commission.

“Council” means the legislative body of the city of El Monte, namely the El Monte City Council, which is composed of five (5) Council seats, including the Council seat occupied by the Mayor.

“Councilmember” means any one of the five (5) occupants of the five (5) Council seats that constitute the Council. The plural term “Councilmembers” shall be used to refer to all five (5) of the occupants of the five (5) Council seats that constitute the Council.

“Council seat” means any one of the five (5) membership positions on the Council which are occupied by each of the five Councilmembers.

“Honorary Member” means those non-voting, persons who may from time to time be appointed by the Council to provide advisory support to the Commission. Honorary Members need not be residents of the city.

“Normal expiration date” with respect to a Council seat, the phrase “normal expiration date” means the date upon which the term of office for a particular Council seat would otherwise expire, absent an early vacancy. For example, in the case of a Council seat occupied by the Mayor, the normal expiration date is a date that is two (2) years from the date a person is sworn in as Mayor. In the case of all other Council seats, the normal expiration date is a date that is four (4) years from the date a person is sworn in as a Councilmember.

“Patriotic Youth Committee” means that certain Youth Committee to the El Monte Patriotic Commission composed of members who are fourteen (14) to twenty-three (23) years of age.

“Patriotic Youth Committee Member” means any persons approved to serve as a member of the Patriotic Youth Committee. The plural term “Patriotic Youth Committee Members” can refer to all members of the Patriotic Youth Committee or more than one member of the Patriotic Youth Committee. (Ord. 2597 § 1 (part), 2003)

2.26.030 Membership.

A. Composition of Commission: The Commission shall consist of ten (10) Commissioners. Each of the five (5) Councilmembers may nominate two (2) persons to fill

two (2) of the ten (10) Commission seats, subject to approval by the Council. Except as may otherwise be provided in this Chapter 2.26 of the Code, six (6) members of the Commission shall constitute the minimum quorum necessary for the Commission to conduct business and take action.

B. **Tenure At-Will.** Each Commissioner serves at the pleasure of the Councilmember who appointed the Commissioner to the Commission. Any Councilmember may, at any time with or without cause, remove a Commissioner he or she previously nominated to the Commission and have that Commissioner replaced by an alternate nominee, provided such alternate nominee is duly approved by the Council in the manner prescribed in Section 2.26.030(A), above.

C. **Length of Service.** Subject to the terms of Sections 2.26.030(B) and 2.26.040, the tenure of a Commissioner shall terminate automatically upon the normal expiration date of the Council seat occupied by the Councilmember who nominated the Commissioner to the Commission. Except as otherwise provided in this Section 2.26.030(C), a Commissioner whose tenure has automatically expired may be re-nominated and re-approved to serve a subsequent Commission term. The foregoing notwithstanding, no Commissioner under any circumstance shall serve on the Commission for a period in excess of eight (8) consecutive years. Also, no person who has previously served on the Commission for a period of eight (8) consecutive years or more may be nominated or approved to serve on the Commission prior to the lapse of one full year from the date his or her prior tenure of eight (8) consecutive years came to an end.

D. **Basic Qualifications.** No person shall be eligible for appointment as a Commissioner unless at the time of such appointment he or she: (1) is eighteen (18) years of age or older; and (2) is, and for at least one year prior to such appointment was, a resident of the city of El Monte. No person shall continue to serve as a Commissioner once he or she ceases to be a resident of the city of El Monte. When a Commissioner ceases to be a resident of the city of El Monte, the Commission seat he or she occupies shall be declared vacated by the Council. (Ord. 2597 § 1 (part), 2003)

2.26.040 Vacancies and removal.

A. **General Vacancies on the Commission Itself.** If a Commissioner vacates a Commission seat for any reason, the vacating Commissioner shall be replaced in a manner that conforms to the terms of Section 2.26.030, above.

B. **Impact of Vacancies on the City Council.** If a Councilmember vacates a Council seat, the presently serv-

ing Commissioners nominated by the vacating Councilmember shall continue to serve up to the normal expiration date of the Council seat occupied by the vacating Councilmember, unless and until either of the following occurs:

1. The vacated Council seat is filled (either by election or appointment) and the person filling the vacated Council seat, after being sworn into office, appoints an alternate nominee(s) to serve in place of the presently serving Commissioner(s); or

2. Prior to the normal expiration date of the Council seat occupied by the vacating Councilmember and prior to the swearing in of an elected or appointed replacement Councilmember, no less than three (3) members of the Acting Council vote in favor of another person(s) to serve in place of the vacating Councilmember's presently serving Commissioner(s). Any alternate person(s) so appointed shall serve at the pleasure of the Council and only until the person who fills the vacated Council seat is sworn into office.

C. **Removal by Council for Cause.** The Council, by direct action or upon the recommendation of the Commission, may remove a Commissioner for cause in the event of the following:

1. **Conduct Unbecoming.** The Commissioner engages in conduct unbecoming of a representative for the city of El Monte, including but not limited to the conviction of a felony or any crime of moral turpitude; wrongfully and knowingly representing personal positions, opinions, or beliefs as being those of the entire Commission or the city of El Monte; the criminal or negligent misappropriation or misuse of Commission funds or other city property (including city funds); or legally binding (or attempting to legally bind) the Commission or the city of El Monte to promises, assurances or agreements that have not been duly ratified by the Commission or the Council, whichever is the appropriate ratifying body; or

2. **Unexcused Absences from Meetings.** The Commissioner fails to attend three (3) consecutive regularly scheduled meetings of the Commission without the prior consent of the Commission. All approved absences must be noted in the minutes of the Commission in order to be valid.

A vote of no less than three (3) Councilmembers shall be required to remove a Commissioner on any of the grounds set forth in this Section 2.26.040(C). Furthermore, such grounds for removal shall be in addition to (and not in lieu of) any other applicable grounds set forth in the Code. Whether or not the Council makes any findings for or against the removal of a Commissioner pursuant to this Section 2.26.040(C) and regardless of the recommendation, or absence of a recommendation, on the part of the

Commission, nothing in this Section 2.26.040(C) shall, under any circumstance, preclude the removal of a Commissioner, with or without cause, pursuant to Sections 2.26.030(B), 2.26.040(B) or 2.26.040(D).

D. **Failure to Appoint:** In the event a Commission seat remains vacant for a period in excess of ninety (90) days due to a Councilmember's failure to exercise his or her authority to nominate a person to fill a vacant Commission seat, the Council, may in its sole discretion fill that vacancy, provided any such person so selected receives no less than three (3) votes in favor of appointment. Any person so appointed to the Commission by the Council shall serve at the pleasure of the Council for a term of one year commencing from the date upon which such person is sworn in.

E. **Ineligibility Following Vacancy or Removal.**

1. **Ineligible Persons.** The following persons shall be ineligible for nomination or appointment to the Commission for a period of one year from the date of their vacancy or removal from the Commission, whichever the case may be:

a. Any Commissioner who voluntarily vacates a Commission seat;

b. Any Commissioner removed by the Councilmember who appointed the Commissioner to the Commission, except as otherwise provided in Section 2.26.040(E)(2)(b), below; and

c. Any Commissioner removed by the Council pursuant to Section 2.26.040(C), above.

2. **Exceptions to Ineligibility Restriction.** The eligibility restrictions set forth in Section 2.26.040(E)(1), above, shall not apply to the following:

a. Any Commissioner whose tenure on the Commission has simply expired unless the Commissioner has completed eight (8) consecutive years of service on the Commission upon the expiration the Commissioner's tenure;

b. Any Commissioner who was previously removed from the Commission by the Councilmember who nominated the Commissioner to the Commission but who is later re-nominated to serve on the Commission on behalf of another Councilmember;

c. Any Commissioner removed pursuant to Section 2.26.040(B);

d. Any Commissioner removed at the pleasure of the Council after having been appointed to the Commission by the Council pursuant to Section 2.26.040(D), above.

If a person is reappointed to the Commission under any of the exceptions set forth in this Section 2.26.040(E)(2) and such reappointment occurs within one year from the date of the Commissioner's prior removal or completion of

service, any consecutive time served on the Commission prior to such removal or completion of service shall, upon his or her swearing in, be counted toward the eight (8) consecutive year limitation set forth in Section 2.26.030(C), above. (Ord. 2597 § 1 (part), 2003)

2.26.050 Internal organization.

A. **Commission Officers.** During the month of June of each calendar year, the Commissioners shall nominate and elect from among themselves, one Commissioner who shall serve as Chair; one Commissioner who shall serve as Vice-Chair; one Commissioner who shall serve as Treasurer; and one Commissioner who shall serve as Secretary. Any Commissioner elected to serve as Chair, Vice-Chair, Treasurer or Secretary shall occupy that Commission post for a term of one year, unless the Commissioners vote to remove a Commissioner elected to serve as Chair; Vice-Chair; Treasurer or Secretary before the end of his or her one-year term by no less than seven (7) votes with all Commissioners present for the vote or unless a Commissioner serving as Chair; Vice-Chair; Treasurer or Secretary is removed from the Commission or vacates his or her Commission seat. The Chair shall preside over all meetings of the Commission. The Chair or his or her designee(s) shall also serve as a non-voting advisory member of the Advisory Committee and the Patriotic Youth Committee. The Vice-Chair shall assume the duties of the Chair when the Chair is absent from a meeting of the Commission. In the event the Commissioner serving as Chair is removed from the Commission or vacates his or her Commission seat, the Vice-Chair shall assume the position of Chair for the remainder of the removed or vacating Chair's term. If the Vice-Chair is elevated to the post of Chair due to the removal or vacation of the post by the departing Chair, the Commission shall elect a new Vice-Chair from among themselves no later than the next regularly scheduled meeting of the Commission. If a Commissioner serving as Vice-Chair, Treasurer or Secretary is removed from the Commission or vacates his or her Commission seat, the remaining Commissioners shall elect a new person(s) to fill the vacated Commission post(s) at the earliest possible meeting date.

B. **Additional Offices.** Subject to all restrictions applicable to Commissioners under this chapter, the Commission may create and fill such other internal offices as it may determine to be advisable or desirable.

C. **Meetings.** The Commission shall hold regularly scheduled meetings on the 2nd Monday of each month at such time and location as may be convenient or necessary. The Commission may hold such additional adjourned or special meetings as may be called in accordance with the

provisions of the Brown Act and any other applicable state statutes or provisions of the Code.

D. Internal Rules for the Conduct of Business. Subject to Council overrule and in conformity with the Brown Act and all other applicable laws or Code provisions, the Commission shall conduct all proceedings in conformity with the latest edition of Robert's Rules of Order and shall keep a record of its resolutions, transactions, findings and determinations, which record shall be a public record subject to disclosure in the absence of any applicable statutory or common law privileges, restrictions or exemptions.

E. Administrative Support Staff: The administrative support staff of the City Manager's Office (hereinafter, the "Administration Office") shall be responsible for working with and providing administrative support to the Commission as it conducts its business. The Administration Office shall designate those members of its staff who shall have the special responsibility of overseeing the Administration Office's work with the Commission and shall make the work number and work address of such staff members available to each Commissioner. At least one staff member of the Administration Office shall attend each regularly scheduled, adjourned or special meeting of the Commission.

F. Appointment of Liaison Councilmember. The Mayor shall appoint subject to Council ratification, a Councilmember to act as a liaison between the Council and the Commission. (Ord. 2597 § 1 (part), 2003)

2.26.060 Duties and powers.

Subject to review and approval by the Council, the Commission shall have the duties and responsibilities set forth in the following subsections, and as the same may be further modified or augmented from time to time by resolution of the Council:

A. To assist and encourage the residents of the city to actively participate in all national, state, regional or city-wide patriotic events;

B. Take such steps as necessary to form, supervise and support the Patriotic Youth Committee, the purpose of which will be to further understanding through activities relating to youth, and to assist the Commission in the implementation of its program;

C. Organize and maintain such committees as deemed necessary to assist the Commission from time to time on various projects and programs related to the activities of the Commission;

D. Assist in such other cultural activities within the City, such as the Fourth of July Celebration, Memorial Day celebrations, Veterans Day celebrations and other

such human relations activities that would assist in fostering patriotism with the city;

E. Adopt rules for the transaction of business and maintain a record of its resolutions, transactions, findings and determinations, which record shall be a public record. It shall be the Secretary's duty to transmit all recommendations, findings and determinations of the Commission to the Council;

F. Prepare protocol rules and procedures for all events relating to the Commission to submit to the Council for review and approval;

G. Raise funds to finance the activities or events which the Commission is authorized to participate in provided, that the Commission shall first receive the approval of the Council before undertaking any fund raising effort.

The Commission may not utilize staff, real property, personal property, facilities, funds, alleys or streets of the city in connection with any events or activities without the prior consent of the Council by resolution and the grant of such consent by the Council shall not constitute approval of any city licenses or permits which may be required to undertake any such events or activities. In the event the Council consents to any such events or activities, the Commission shall adhere to all federal, state, or local governmental permit requirements and shall adhere to all federal, state and local laws in undertaking such events or activities. The Commission shall also adhere to any additional restrictions or requirements which the Council may choose to impose in its sole discretion. (Ord. 2597 § 1 (part), 2003)

2.26.070 Financial limitation.

A. Contracts. Neither the Commission nor any individual Commissioner, nor any person employed thereby shall incur any financial liability or execute any contract in the name of or on behalf of the city without the express consent or authorization of the Council.

B. Solicitation of Non-Governmental Funds. The foregoing notwithstanding, the Commission shall be authorized to solicit and disburse non-governmental funds and contributed funds for the purpose of carrying out its special projects and activities and shall maintain control over these funds through the Commission's Chair, Vice-Chair, Treasurer and Secretary.

C. Annual Reports. The Commission shall submit an annual report to the Council for review of all activities and financial transactions for the prior fiscal year. The annual report shall be prepared and submitted to the Council during the month of December of each calendar year and shall be for the preceding fiscal year's activities and actions. (Ord. 2597 § 1 (part), 2003)

2.26.080 Stipends.

The Council, in its sole discretion, may: (a) permit the grant of a stipend to Commissioners or compensation for Council-authorized costs and expenses incurred by a Commissioner on behalf of the Commission or the city of El Monte; or (b) set, increase or decrease the amount or rate of any authorized stipend at any time with or without cause or notice to the Commissioners. Service on the Commission is voluntary and any stipend Commissioners may receive shall not be construed as an inducement to, or consideration for, their service on the Commission but merely a means to defray costs and expenses incident to such service. Commissioners shall have no vested interest in receiving any stipend the Council, in its sole discretion, may elect to provide. Accordingly, the Council may reduce the amount or rate of stipends or eliminate the grant of stipends altogether at any time it determines such action is necessary or desirable. Any of the actions authorized under this section shall be accomplished by resolution of the Council. (Ord. 2597 § 1 (part), 2003)

2.26.090 Commission committees.

A. **Advisory Committee.** By resolution, the Council may create an Advisory Committee to the Commission which shall be composed of persons who represent various community organizations with a special interest in promoting and participating in patriotic events and activities. Such organizations may include, but not necessarily be limited to, the El Monte Chapter of the Veterans of Foreign Wars, American Legion Post 261, American Legion Post 261 Womens Auxiliary, the El Monte Elks Lodge and the El Monte Moose Lodge. The Advisory Committee shall advise the Commission in the conduct of its business and may participate in City-sponsored events and activities aimed at promoting patriotism, provided such participation is first recommended by the Commission and consented to by the Council. The Council shall appoint each Advisory Committee member and such members shall serve at the pleasure of the Council and may be removed at any time by the Council with or without cause. Advisory Committee members shall serve for a term of four (4) years. Advisory Committee members shall not vote on the Commission and shall not be authorized to bind the Commission or the city to any contract or other agreements whether oral or written.

B. **Patriotic Youth Committee.** By resolution, the Council may also create a Patriotic Youth Committee which shall function as an additional advisory committee to Commission and which shall be composed of persons fourteen (14) to twenty-three (23) years of age. The Council shall promulgate rules and regulations to govern activi-

ties of the Patriotic Youth Committee and such rules and regulations shall provide, among other things, that the Patriotic Youth Committee shall assist the Commission in the conduct of its business. The Council shall appoint each Patriotic Youth Committee Member and such members shall serve at the pleasure of the Council and may be removed at any time by the Council with or without cause. Patriotic Youth Committee Members shall serve for a term of four (4) years. Patriotic Youth Committee Members shall not vote on the Commission and shall not be authorized to bind the Commission or the city to any contract or other agreements whether oral or written. (Ord. 2597 § 1 (part), 2003)

2.26.100 Honorary members.

A. **Appointment.** The Council, acting as a body, may from time to time appoint persons to serve as non-voting Honorary Members who shall provide advisory assistance to the Commission, the Advisory Committee and the Patriotic Youth Committee. Unless the Council provides otherwise by resolution, there shall be no limit on the number of persons who may be appointed to serve as Honorary Members at any given time.

B. **Advisory Role.** The presence of Honorary Members at any meeting of the Commission, the Advisory Committee or the Patriotic Youth Committee shall not count towards a Commission quorum or a committee quorum and Honorary Members shall have no voting authority on the Commission, the Advisory Committee or the Patriotic Youth Committee. Unless otherwise stated by the Council or the Commission, Honorary Members may attend all meetings of the Commission. Honorary Members shall not be considered official representatives of the city or the Commission at any event, function, conference, seminar, activity or other gathering.

C. **Term of Membership.** Each Honorary Member shall serve for a term of one year commencing on the first day of January of each year and ending on the thirty-first day of December of each year. The foregoing notwithstanding, the Council may revoke a person's status as an Honorary Member at any time within his or her one year term with or without cause. The Council, in its sole discretion, may re-appoint a person to serve as an Honorary Member for successive terms. (Ord. 2597 § 1 (part), 2003)

Chapter 2.28

EL MONTE COMMUNITY CULTURAL COMMISSION*

Sections:

2.28.010	Creation.
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2.28.100	Non-retroactivity of 2.28.030 (C) to Chapter 2.28

*Prior code history: Prior code §§ 2450—2454.

2.28.010 Creation.

The commission established under this Chapter 2.28 and identified as the “El Monte Community/Cultural Commission” is hereby renamed and reorganized under this same chapter as the “El Monte Community Cultural Commission.” All current and active members of the commission formerly known as the “El Monte Community/Cultural Commission” shall continue to serve on the renamed and newly reorganized “El Monte Community Cultural Commission” subject to the terms, conditions and restrictions of this reorganized chapter. (Ord. 2596 § 1 (part), 2003)

2.28.020 Definitions.

For the purposes of this Chapter 2.28 (El Monte Community Cultural Commission), the terms set forth in this section shall have the following meanings unless otherwise indicated in this chapter:

“Acting Council” means the El Monte City Council acting and operating under circumstances in which at least one, but no more than two (2), of its five (5) Council seats are vacant.

“Brown Act” means the Ralph M. Brown Act (Government Code Section 54950 et seq.) of the state of California.

“City” means the city of El Monte, a California Municipal Corporation.

“Code” means the El Monte Municipal Code.

“Commission” means the El Monte Community Cultural Commission which is composed of ten (10) Commission seats.

“Commission seat” means any one of the ten (10) membership positions on the El Monte Community Cultural Commission which are occupied by each of the ten (10) Commissioners. The plural term “Commission seats” may refer to one or more Commission seats or all ten (10) Commission seats, whichever meaning is reasonably appropriate given the context.

“Commissioner” means any one of the ten (10) occupants of the ten (10) Commission seats that constitute the El Monte Community Cultural Commission.

“Council” means the legislative body of the city of El Monte, namely the El Monte City Council, which is composed of five (5) Council seats, including the Council seat occupied by the Mayor.

“Councilmember” means any one of the five (5) occupants of the five (5) Council seats that constitute the Council. The plural term “Councilmembers” shall be used to refer to all five (5) of the occupants of the five (5) Council seats that constitute the Council.

“Council seat” means any one of the five (5) membership positions on the Council which are occupied by each of the five Councilmembers.

“Honorary Member” means those non-voting, persons who may from time to time be appointed by the Council to provide advisory support to the Commission. Honorary Members need not be residents of the city.

“Normal expiration date” with respect to a Council seat, the phrase “normal expiration date” means the date upon which the term of office for a particular Council seat would otherwise expire, absent an early vacancy. For example, in the case of a Council seat occupied by the Mayor, the normal expiration date is a date that is two (2) years from the date a person is sworn in as Mayor. In the case of all other Council seats, the normal expiration date is a date that is four (4) years from the date a person is sworn in as a Councilmember. (Ord. 2596 § 1 (part), 2003)

2.28.030 Membership.

A. Composition of Commission. The Commission shall consist of ten (10) Commissioners. Each of the five (5) Councilmembers may nominate two (2) persons to fill two (2) of the ten (10) Commission seats, subject to approval by the Council. Except as may otherwise be provided in this Chapter 2.28, six (6) members of the Commission shall constitute the minimum quorum necessary for the Commission to conduct business and take action.

B. Tenure At-Will. Each Commissioner serves at the pleasure of the Councilmember who appointed the Commissioner to the Commission. Any Councilmember may, at any time with or without cause, remove a Commissioner

he or she previously nominated to the Commission and have that Commissioner replaced by an alternate nominee, provided such alternate nominee is duly approved by the Council in the manner prescribed in Section 2.28.030(A), above.

C. **Length of Service.** Subject to the terms of Sections 2.28.030(B) and 2.28.040, the tenure of a Commissioner shall terminate automatically upon the normal expiration date of the Council seat occupied by the Councilmember who nominated the Commissioner to the Commission. Except as otherwise provided in this Section 2.28.030(C), a Commissioner whose tenure has automatically expired may be re-nominated and re-approved to serve a subsequent Commission term. The foregoing notwithstanding, no Commissioner under any circumstance shall serve on the Commission for a period in excess of eight (8) consecutive years. Also, no person who has previously served on the Commission for a period of eight (8) consecutive years or more may be nominated or approved to serve on the Commission prior to the lapse of one full year from the date his or her prior tenure of eight (8) consecutive years came to an end. By resolution, the Council in its sole and absolute discretion may extend the eight (8) consecutive year restriction imposed under this section for any individual Commissioner.

D. **Basic Qualifications.** No person shall be eligible for appointment as a Commissioner unless at the time of such appointment he or she is: (1) eighteen (18) years of age or older; and (2) for at least one year prior to such appointment was, a resident of the city of El Monte. No person shall continue to serve as a Commissioner once he or she ceases to be a resident of the city of El Monte. When a Commissioner ceases to be a resident of the city of El Monte, the Commission seat he or she occupies shall be declared vacated by the Council.

E. **Honorary Members.**

1. **Appointment.** The Council, acting as a body, may from time to time appoint persons to serve as non-voting Honorary Members who shall provide advisory assistance to the Commission. To the extent reasonably practicable, the Council, in appointing Honorary Members, shall strive to appoint persons who represent the collective interests of: (i) the city's business community; (ii) the city's neighborhoods; (iii) the city's church community, in an inclusive and ecumenical fashion; (iv) the city's educational community; and (v) any other segment of the city community which the Council may from time to time identify. Unless the Council provides otherwise by resolution, there shall be no limit on the number of persons who may be appointed to serve as Honorary Members at any given time.

2. **Advisory Role.** The presence of Honorary Members at any meeting of the Commission shall not count towards a Commission quorum and Honorary Members shall have no voting authority on the Commission. Unless otherwise stated by the Council or the Commission, Honorary Members may attend all meetings of the Commission. Honorary Members shall not be considered official representatives of the city or the Commission at any event, function, conference, seminar, activity or other gathering.

3. **Term of Membership.** Each Honorary Member shall serve for a term of one year commencing on the first day of January of each year and ending on the thirty-first day of December of each year. The foregoing notwithstanding, the Council may revoke a person's status as an Honorary Member at any time within his or her one year term with or without cause. The Council, in its sole discretion, may re-appoint a person to serve as an Honorary Member for successive terms. (Ord. 2596 § 1 (part), 2003)

2.28.040 Vacancies and removal.

A. **General Vacancies on the Commission Itself.** If a Commissioner vacates a Commission seat for any reason, the vacating Commissioner shall be replaced in a manner that conforms to the terms of Section 2.28.030, above.

B. **Impact of Vacancies on the City Council.** If a Councilmember vacates a Council seat, the presently serving Commissioners nominated by the vacating Councilmember shall continue to serve up to the normal expiration date of the Council seat occupied by the vacating Councilmember, unless and until either of the following occurs:

1. The vacated Council seat is filled (either by election or appointment) and the person filling the vacated Council seat, after being sworn into office, appoints an alternate nominee(s) to serve in place of the presently serving Commissioner(s); or

2. Prior to the normal expiration date of the Council seat occupied by the vacating Councilmember and prior to the swearing in of an elected or appointed replacement Councilmember, no less than three (3) members of the Acting Council vote in favor of another person(s) to serve in place of the vacating Councilmember's presently serving Commissioner(s). Any alternate person(s) so appointed shall serve at the pleasure of the Council and only until the person who fills the vacated Council seat is sworn into office.

C. **Removal by Council for Cause.** The Council, by direct action or upon the recommendation of the Commission, may remove a Commissioner for cause in the event of the following:

1. **Conduct Unbecoming.** The Commissioner engages in conduct unbecoming of a representative for the

city of El Monte, including but not limited to the conviction of a felony or any crime of moral turpitude; wrongfully and knowingly representing personal positions, opinions, or beliefs as being those of the entire Commission or the city of El Monte; the criminal or negligent misappropriation or misuse of Commission funds or other city property (including city funds); or legally binding (or attempting to legally bind) the Commission or the city of El Monte to promises, assurances or agreements that have not been duly ratified by the Commission or the Council, whichever is the appropriate ratifying body; or

2. Unexcused Absences from Meetings. The Commissioner fails to attend three (3) consecutive regularly scheduled meetings of the Commission without the prior consent of the Commission. All approved absences must be noted in the minutes of the Commission in order to be valid.

A vote of no less than three (3) Councilmembers shall be required to remove a Commissioner on any of the grounds set forth in this subsection C of this section. Furthermore, such grounds for removal shall be in addition to (and not in lieu of) any other applicable grounds set forth in the Code. Whether or not the Council makes any findings for or against the removal of a Commissioner pursuant to this subsection C of this section and regardless of the recommendation, or absence of a recommendation, on the part of the Commission, nothing in this subsection C of this section shall, under any circumstance, preclude the removal of a Commissioner, with or without cause, pursuant to Sections 2.28.030(B), 2.28.040(B) or 2.28.040(D).

D. Failure to Appoint. In the event a Commission seat remains vacant for a period in excess of ninety (90) days due to a Councilmember's failure to exercise his or her authority to nominate a person to fill a vacant Commission seat, the Council, may in its sole discretion fill that vacancy, provided any such person so selected receives no less than three (3) votes in favor of appointment. Any person so appointed to the Commission by the Council shall serve at the pleasure of the Council for a term of one year commencing from the date upon which such person is sworn in.

E. Ineligibility Following Vacancy or Removal.

1. Ineligible Persons. The following persons shall be ineligible for nomination or appointment to the Commission for a period of one year from the date of their vacancy or removal from the Commission, whichever the case may be:

a. Any Commissioner who vacates a Commission seat;

b. Any Commissioner removed by the Councilmember who appointed the Commissioner to the Commission,

except as otherwise provided in subsection (E)(2)(b) of this section; and

c. Any Commissioner removed by the Council pursuant to subsection C of this section.

2. Exceptions to Ineligibility Restriction. The eligibility restrictions set forth in subsection (E)(1) of this section, shall not apply to the following:

a. Any Commissioner whose tenure on the Commission has simply expired unless the Commissioner has completed eight (8) consecutive years of service on the Commission upon the expiration the Commissioner's tenure;

b. Any Commissioner who was previously removed from the Commission by the Councilmember who nominated the Commissioner to the Commission but who is later re-nominated to serve on the Commission on behalf of another Councilmember;

c. Any Commissioner removed pursuant to subsection B of this section;

d. Any Commissioner removed at the pleasure of the Council after having been appointed to the Commission by the Council pursuant to subsection D of this section.

If a person is reappointed to the Commission under any of the exceptions set forth in this subsection (E)(2) of this section and such reappointment occurs within one year from the date of the Commissioner's prior removal or completion of service, any consecutive time served on the Commission prior to such removal or completion of service shall, upon his or her swearing in, be counted toward the eight (8) consecutive year limitation set forth in Section 2.28.030(C) of this chapter. (Ord. 2596 § 1 (part), 2003)

2.28.050 Internal organization.

A. Commission Officers. During the month of June of each calendar year, the Commissioners shall nominate and elect from among themselves, one Commissioner who shall serve as Chair; one Commissioner who shall serve as Vice-Chair; one Commissioner who shall serve as Treasurer; and one Commissioner who shall serve as Secretary. Commissioners elected to serve as Chair, Vice-Chair, Treasurer or Secretary shall occupy that Commission post for a term of one year, unless the Commissioners vote to remove the Chair; the Vice-Chair; the Treasurer or the Secretary before the end of their terms by no less than seven (7) votes with all Commissioners present for the vote or unless a Commissioner serving as Chair; Vice-Chair; Treasurer or Secretary is removed from the Commission or vacates his or her Commission seat. The Chair shall preside over all meetings of the Commission. The

Vice-Chair shall assume the duties of the Chair when the Chair is absent from a meeting of the Commission.

The Chair shall appoint one Commissioner to serve as a non-voting advisory chairperson of the Sister City Youth Association for the city of El Monte, subject to ratification by the Commission. In the event the Commissioner serving as Chair is removed from the Commission or vacates his or her Commission seat, the Vice-Chair shall assume the position of Chair for the remainder of the removed or vacating Chair's term. If the Vice-Chair is elevated to the post of Chair due to the removal or vacation of the post by the departing Chair, the Commission shall elect a new Vice-Chair from among themselves no later than the next regularly scheduled meeting of the Commission. If a Commissioner serving as Vice-Chair, Treasurer or Secretary is removed from the Commission or vacates his or her Commission seat, the remaining Commissioners shall elect a new person(s) to fill the vacated Commission post(s) at the earliest possible meeting date.

B. Additional Offices. Subject to all restrictions applicable to Commissioners under this chapter, the Commission may create and fill such other internal offices as it may determine to be advisable or desirable.

C. Meetings. The Commission shall hold regularly scheduled meetings on the second Thursday of each month at such time and location as may be convenient or necessary. The Commission may hold such additional adjourned or special meetings as may be called in accordance with the provisions of the Brown Act and any other applicable state statutes or provisions of the code.

D. Internal Rules for the Conduct of Business. Subject to Council overrule and in conformity with the Brown Act and all other applicable laws or Code provisions, the Commission shall conduct all proceedings in conformity with the latest edition of Robert's Rules of Order and shall keep a record of its resolutions, transactions, findings and determinations, which record shall be a public record subject to disclosure in the absence of any applicable statutory or common law privileges, restrictions or exemptions.

E. Administrative Support Staff. The administrative support staff of the City Manager's Office (hereinafter, the "Administration Office") shall be responsible for working with and providing administrative support to the Commission as it conducts its business. The Administration Office shall designate those members of its staff who shall have the special responsibility of overseeing the Administration Office's work with the Commission and shall make the work number and work address of such staff members available to each Commissioner. At least one staff member of the Administration Office shall at-

tend each regularly scheduled, adjourned or special meeting of the Commission.

F. Appointment of Liaison Councilmember. The Mayor shall appoint a Councilmember to act as a liaison between the Council and the Commission. (Ord. 2679 § 1, 2006; Ord. 2596 § 1 (part), 2003)

2.28.060 Duties and powers.

Subject to review and approval by the Council, the Commission shall have the duties and responsibilities set forth in the following subsections, and as the same may be further modified or augmented from time to time by resolution of the Council:

A. To act in an advisory capacity to the Council on matters pertaining to the Sister City Program between the municipalities of El Monte, California and Zamora, Michoacan, Mexico, between the municipalities of El Monte, California and Yung Kang City, Taiwan and between the municipalities of El Monte, California and Marcq-En Baroeul, France;

B. To keep the Council and the Commission advised and informed on the People-to-People Program of the United States Government, the National Sister City Association, the Sister City International Association, the US/Mexico Sister City Association, and to recommend to the Council such action as may be consistent with the associations and programs listed above in the interest of the city;

C. To take such steps as may be necessary or convenient to keep the people of the city informed of the El Monte-Zamora Sister City Program, El Monte-Yung Kang City Sister City Program, and the El Monte-Marcq-En Baroeul Sister City Program; to encourage their interest and participation therein; and with the consent of the Council to organize committee and group activities within the city compatible with the El Monte-Zamora Sister City Program, the El Monte-Yung Kang City Sister City Program and with the El Monte-Marcq-En Baroeul Sister City Program;

D. To assist and encourage the residents of the city to take an active part in welcoming foreign guests to the city, and otherwise to participate in the national program of extending hospitality to foreign visitors within the community;

E. To take such steps as necessary to form, supervise and support an El Monte Sister City Youth Commission, the purpose of which will be to further understand through activities relating to youth, and to assist the Commission in the carrying out of its program;

F. The Commission shall organize and maintain such standing and advisory committees as deemed necessary to assist the Cultural Commission from time to time on vari-

ous projects and programs related to the activities of the Commission;

G. The Commission shall assist in such other cultural activities within the city, such as the Fourth of July celebration, Cinco de Mayo celebration and other such human relations activities that would assist in fostering understanding among the various ethnic groups within the city;

H. The Commission shall adopt rules for the transaction of business and shall keep a record of its resolutions, transactions, findings and determinations, which record shall be a public record. It shall be the Secretary's duty to transmit all recommendations, findings and determinations of the Commission to the Council;

I. Prepare protocol rules and procedures for all events relating to the Commission to submit to the Council for review and approval. (Ord. 2596 § 1 (part), 2003)

2.28.070 Financial limitation.

A. Neither the Commission nor any individual Commissioner, nor any person employed thereby shall incur any financial liability or execute any contract in the name of or on behalf of the city without the express consent or authorization of the Council. However, the Commission shall be authorized to solicit and disburse non-governmental funds and contributed funds for the purpose of carrying out its special projects and activities and shall maintain control over these funds through the Commission's Chair, Vice-Chair, Treasurer and Secretary.

B. The Commission shall submit an annual report to the Council for review of all activities and final transactions for the fiscal year. The annual report shall be prepared and submitted to the Council during the month of December of each calendar year and shall be for the preceding fiscal year's activities and actions. (Ord. 2596 § 1 (part), 2003)

2.28.080 Stipends.

The Council, in its sole discretion, may permit the granting of a stipend to Commissioners or compensation for Council-authorized costs and expenses incurred by a Commissioner on behalf of the Commission or the city of El Monte. The Council, in its sole discretion may set, increase or decrease the amount or rate of the stipend at any time with or without cause or notice to the Commissioners. Service on the Commission is voluntary and any stipend Commissioners may receive shall not be construed as an inducement to, or consideration for, their service on the Commission but merely a means to defray costs and expenses incident to such service. Commissioners shall have no vested interest in receiving any stipend the Council, in its sole discretion, may elect to provide. Accordingly, the

Council may reduce the amount or rate of stipends or eliminate the grant of stipends altogether at any time it determines such action is necessary or desirable. Any of the actions authorized under this section shall be accomplished by resolution of the Council. (Ord. 2596 § 1 (part), 2003)

2.28.090 Associate members.

The Commission, in its sole discretion, may from time to time appoint persons to serve as Associate Members. Associate Members shall assist the Commission with the coordination and implementation of its programs, events and activities under the supervision of Commissioners and city staff. Associate Members shall not be authorized to bind the Commission or the city of El Monte to any contract, agreement or other obligation. Each person so appointed may serve for a term of one year and may be reappointed for an unlimited number of one-year terms. Associate Members shall not be entitled to a stipend as may be provided under Section 2.28.080 of this chapter. (Ord. 2596 § 1 (part), 2003)

2.28.100 Non-retroactivity of 2.28.030 (C) to Chapter 2.28.

The eight (8) consecutive year restriction imposed under Section 2.28.030(C) of these 2003 amendments to Chapter 2.28 shall not apply retroactively to those Commissioners serving on the Commission at the time these 2003 amendments become effective. Accordingly, only consecutive time served by an existing Commissioner after the effective date of these amendments shall count toward the eight (8) consecutive year limitation. (Ord. 2596 § 1 (part), 2003)

Chapter 2.32**COMMUNITY SERVICES COMMISSION****Sections:**

2.32.010	Creation.
2.32.020	Definitions.
2.32.030	Membership.
2.32.040	Vacancies and removal.
2.32.050	Internal organization.
2.32.060	Duties and powers.
2.32.070	Financial limitation.
2.32.080	Stipends.
2.32.090	Retroactive application of 2004 amendments to Chapter 2.32.

2.32.010 Creation.

The commission formerly established under this chapter and identified as the "Parks, Recreation and Transportation Commission" is renamed and reorganized under this same chapter as the "Community Services Commission." All current and active members of the commission formerly known as the "Parks, Recreation and Transportation Commission" shall continue to serve on the newly reorganized "Community Services Commission" subject to the terms, conditions and restrictions of this reorganized chapter. (Ord. 2591 § 1 (part), 2003)

2.32.020 Definitions.

For the purposes of this chapter, the terms set forth in this section shall have the following meanings unless otherwise indicated in this chapter:

"Acting Council" means the El Monte City Council acting and operating under circumstances in which at least one, but no more than two (2), of its five (5) Council seats are vacant.

"Adult Commissioner" means any one of five (5) persons who are at least eighteen (18) years of age or older and who are appointed to occupy an Adult seat. The plural term "Adult Commissioners" can refer to more than one Adult Commissioner or all five (5) Adult Commissioners, whichever meaning is appropriate given the context.

"Adult seat" means any one of five (5) of the ten (10) Commission seats to be occupied by persons who are eighteen (18) years of age or older.

"Brown Act" means the Ralph M. Brown Act (Government Code Section 54950 et seq.) of the state of California.

"City" means the city of El Monte, a California Municipal Corporation.

"Code" means the El Monte Municipal Code.

"Commission" means the El Monte Community Services Commission which is composed of five (5) Adult seats and five (5) Youth seats.

"Commission seat" means any one of the ten (10) membership positions on the Commission which are occupied by each of the ten (10) Commissioners. The plural term "Commission seats" can refer to groupings of Adult seats, Youth seats or both and may refer to more than one Commission seat or all ten (10) Commission seats, whichever meaning is appropriate given the context.

"Commissioner" means any one of the ten (10) occupants of the ten (10) Commission seats that constitute the El Monte Community Services Commission. The plural term "Commissioners" can refer to more than one Commissioner or all ten (10) Commissioners, whichever meaning is appropriate given the context, and may include groupings of Adult Commissioners, Youth Commissioners or both.

"Council" means the legislative body of the city of El Monte, namely the El Monte City Council, which is composed of five (5) Council seats, including a Council seat occupied by the Mayor.

"Council seat" means any one of the five (5) membership positions on the Council which are occupied by each of the five (5) Councilmembers.

"Councilmember" means one of the five (5) occupants of the five (5) Council seats that constitute the Council. The plural term "Councilmembers" shall be used to refer to more than one or all five (5) of the occupants of the five (5) Council seats that constitute the Council.

"Normal expiration date" with respect to a Council seat, the phrase "normal expiration date" means the date upon which the term of office for a particular Council seat would otherwise expire, absent an early vacancy or removal. For example, in the case of a Council seat occupied by the Mayor, the normal expiration date is a date that is two (2) years from the date a person is sworn in as Mayor. In the case of all other Council seats, the normal expiration date is a date that is four (4) years from the date a person is sworn in as a Councilmember.

"Youth Commissioner" means any one of five (5) persons appointed to a non-voting, advisory seat on the Commission, i.e., a Youth seat. The plural term "Youth Commissioners" can refer to more than one Youth Commissioner or all five (5) Youth Commissioners. Only a person who is the acting ASB President of one of the five (5) El Monte area high schools identified in Section 2.32.030(A) of this chapter shall be permitted to serve as a Youth Commissioner.

"Youth seat" means any one Commission seat that is to be occupied by a Youth Commissioner. (Ord. 2628 § 1, 2004; Ord. 2591 § 1 (part), 2003)

2.32.030 Membership.

A. Composition of Commission. The Commission shall consist of ten (10) Commissioners total (i.e., five (5) Adult seats and five (5) Youth seats). Each of the five (5) Councilmembers may nominate one person to fill one of the five (5) Adult seats. The five (5) remaining Youth seats shall be filled by the ASB President for each of the following El Monte area high schools:

1. El Monte High School;
2. South El Monte High School;
3. Mountain View High School;
4. Rosemead High School; and
5. Arroyo High School.

Except as otherwise provided in this chapter, the presence of three (3) Adult Commissioners shall constitute the minimum quorum necessary for the Commission to conduct business and take action. Youth Commissioners shall serve on the Commission as non-voting, advisory members and shall be ineligible for the receipt of a stipend. The Council, in its sole discretion, may leave any or all of the Youth seats vacant.

B. Tenure At-Will. Each Adult Commissioner serves at the pleasure of the Councilmember who appointed the Adult Commissioner. Any member of the Council, at any time with or without cause, may remove an Adult Commissioner he or she previously nominated to the Commission and have that Commissioner replaced by an alternate nominee, provided such nominee is duly approved by the Council in the manner prescribed in subsection A of this section. All Youth Commissioners serve at the pleasure of the Council and may be removed at any time with or without cause by majority vote of the Council or as otherwise provided under Section 2.32.040 of this chapter.

C. Length of Service.

1. General Restrictions. Subject to the terms of subsection B of this section and Section 2.32.040, the tenure of an Adult Commissioner shall terminate automatically upon the normal expiration date of the Council seat occupied by the Councilmember who nominated the Adult Commissioner to the Commission. Except as otherwise provided in this subsection, an Adult Commissioner whose tenure has automatically expired may be re-nominated and re-approved to serve a subsequent Commission term.

2. Adult Commissioners. No person shall serve as an Adult Commissioner under any circumstance for a period in excess of eight (8) consecutive years. No person who has previously served as an Adult Commissioner in excess of eight (8) consecutive years or more may be nominated or approved to serve as an Adult Commissioner prior to the lapse of one full year from the date his or her prior tenure of eight (8) consecutive years came to an end.

3. Youth Commissioners. No person who ceases to be the ASB President of any of the following El Monte area high schools may continue to serve as a Youth Commissioner: El Monte High School; South El Monte High School; Mountain View High School; Rosemead High School; and Arroyo High School. No consecutive time served by a person as a Youth Commissioner shall be counted toward the eight (8) consecutive year limitation applicable to Adult Commissioners.

D. Basic Qualifications.

1. General Qualifications. No person shall be eligible for appointment as an Adult Commissioner unless at the time of such appointment he or she is, and for at least one year prior to such appointment was, an El Monte resident. No person shall continue to serve as an Adult Commissioner once he or she ceases to be an El Monte resident. When an Adult Commissioner ceases to be an El Monte resident, the Adult seat he or she occupies shall be declared vacated by the Council.

2. Adult Commissioners. No person who is under the age of eighteen (18) may serve as an Adult Commissioner.

3. Youth Commissioners. Only a person serving as the acting ASB President of the following El Monte area high schools may serve as a Youth Commissioner: El Monte High School; South El Monte High School; Mountain View High School; Rosemead High School; and Arroyo High School. (Ord. 2628 §§ 2—6, 2004; Ord. 2591 § 1 (part), 2003)

2.32.040 Vacancies and removal.

A. General Vacancies on the Commission Itself. If a Commissioner vacates a Commission seat for any reason, the vacating Commissioner shall be replaced in a manner that conforms to the terms of Section 2.32.030 of this chapter.

B. Impact of Vacancies on the City Council. If a Councilmember vacates a Council seat, the presently serving Adult Commissioner nominated by the vacating Councilmember shall continue to serve up to the normal expiration date of the Council seat occupied by the vacating Councilmember, unless and until either of the following occurs:

1. The vacated Council seat is filled (either by election or appointment) and the person filling the vacated Council seat, after being sworn into office, appoints an alternate nominee to serve in place of the presently serving Adult Commissioner; or

2. Prior to the normal expiration date of the Council seat occupied by the vacating Councilmember and prior to the swearing in of an elected or appointed replacement Councilmember, no less than three (3) members of the

Acting Council vote in favor of another person to serve in place of the vacating Councilmember's presently serving Adult Commissioner. Any alternate person so appointed shall serve at the pleasure of the Council and only until the person who fills the vacated Council seat is sworn into office.

C. **Removal by Council for Cause.** The Council, by direct action or upon the recommendation of the Commission, may remove a Commissioner for cause in the event of the following:

1. **Conduct Unbecoming.** The Commissioner engages in conduct unbecoming of a representative for the city of El Monte, including but not limited to, the conviction of a felony or any crime of moral turpitude; wrongfully and knowingly representing personal positions, opinions, or beliefs as being those of the entire Commission or the city of El Monte; the criminal or negligent misappropriation or misuse of Commission funds or other city property (including city funds); or legally binding (or attempting to legally bind) the Commission or the city of El Monte to promises, assurances or agreements that have not been duly ratified by the Commission or the Council, whichever is the appropriate ratifying body; or

2. **Unexcused Absences from Meetings.** The Commissioner fails to attend three (3) consecutive regularly scheduled meetings of the Commission without the prior consent of the Commission. All approved absences must be noted in the minutes of the Commission in order to be valid.

A vote of no less than three (3) Councilmembers shall be required to remove a Commissioner on any of the grounds set forth in this subsection. Furthermore, such grounds for removal shall be in addition to (and not in lieu of) any other applicable grounds set forth in this code. Whether or not the Council makes any findings for or against the removal of a Commissioner pursuant to this subsection and regardless of the recommendation, or absence of a recommendation, on the part of the Commission, nothing in this subsection shall, under any circumstance, preclude the removal of a Commissioner, with or without cause, pursuant to Section 2.32.030(B) of this chapter or subsection B or D of this section.

D. **Failure to Appoint.** In the event an Adult seat remains vacant for a period in excess of ninety (90) days due to a Councilmember's failure to exercise his or her authority to nominate a person to fill a vacant Adult seat, the Council, may in its sole discretion, fill that vacancy, provided any such person so selected receives no less than three (3) votes in favor of appointment. Any person so appointed to the Commission by the Council shall serve at the pleasure of the Council for a term of one year com-

mencing from the date upon which such person is sworn in.

E. **Ineligibility Following Vacancy or Removal.**

1. **Ineligible Persons.** The following persons shall be ineligible for nomination or appointment to the Commission for a period of one year from the date of their vacancy or removal from the Commission, whichever the case may be:

- a. Any Commissioner who vacates a Commission seat;

- b. Any Commissioner removed by the Councilmember who appointed the Commissioner to the Commission, except as otherwise provided in subsection E(2)(d) of this section; and

- c. Any Commissioner removed by the Council pursuant to subsection C of this section.

2. **Exceptions to Ineligibility Restriction.** The eligibility restrictions set forth in subsection E(1) of this subsection, shall not apply to the following:

- a. Any Adult Commissioner whose tenure on the Commission has simply expired unless the Adult Commissioner has completed eight (8) consecutive years of service on the Commission upon the expiration of the Adult Commissioner's tenure;

- b. [Reserved; No Text]

- c. Any Youth Commissioner who is reappointed as an Adult Commissioner;

- d. Any Adult Commissioner who was previously removed from the Commission by the Councilmember who nominated the Commissioner to the Commission but who is later re-nominated to serve on the Commission on behalf of another Councilmember;

- e. Any Commissioner removed pursuant to subsection B of this section;

- f. Any Adult Commissioner removed at the pleasure of the Council after having been appointed to the Commission by the Council pursuant to subsection D of this section.

Except for the circumstances set forth in subsection E(2)(c) of this section, if a person is reappointed to the Commission under any of the exceptions set forth in this subsection and such reappointment occurs within one year from the date of the Commissioner's prior removal or completion of service, any consecutive time served on the Commission prior to such removal or completion of service shall, upon his or her swearing in, be counted toward the eight (8) or four (4) consecutive year limitation (whichever is applicable) set forth in Section 2.32.030(C) of this chapter. (Ord. 2628 § 7, 2004; Ord. 2591 § 1 (part), 2003)

2.32.050 Internal organization.

A. Chair and Vice-Chair. During the month of June of each calendar year, the Adult Commissioners shall nominate and elect from among themselves, one Adult Commissioner who shall serve as Chair and one Adult Commissioner who shall serve as Vice-Chair. An Adult Commissioner elected to serve as Chair or Vice-Chair shall occupy that post for a term of one year, unless the Adult Commissioners vote to remove the Chair or Vice-Chair before the end of their terms by no less than four (4) votes with all Adult Commissioners present for the vote or unless an Adult Commissioner serving as Chair or Vice-Chair is removed from the Commission or vacates his or her Commission seat. The Chair shall preside over all meetings of the Commission. The Vice-Chair shall assume the duties of the Chair when the Chair is absent from a meeting of the Commission. In the event the Adult Commissioner serving as Chair is removed from the Commission or vacates his or her Commission seat, the Vice-Chair shall assume the position of Chair for the remainder of the removed or vacating Chair's term. If the Vice-Chair is elevated to the post of Chair due to the removal or vacation of the post by the departing Chair, the Commission shall elect a new Vice-Chair from among themselves no later than the next regularly scheduled meeting of the Commission.

B. Additional Offices. Subject to all restrictions applicable to Commissioners under this chapter, the Commission may create and fill such other internal offices as it may determine to be advisable or desirable.

C. Meetings. The Commission shall hold noticed, regularly scheduled meetings on the second Wednesday of each month at seven p.m. in the main City Council Chambers located at El Monte City Hall or at such other time and/or location as may be convenient or necessary, provided timely notice of such alternate time and/or location is given to the general public. In no event shall the Commission fail to meet at least once each month. The Commission may hold such additional adjourned or special meetings as may be called in accordance with the provisions of the Brown Act and any other applicable state statutes or provisions of the code.

D. Internal Rules for the Conduct of Business. Subject to Council overrule and in conformity with the Brown Act and all other applicable laws or code provisions, the Commission shall adopt rules for the transaction of business and shall keep a record of its resolutions, transactions, findings and determinations, which record shall be a public record subject to disclosure in the absence of any applicable statutory or common law privileges, restrictions or exemptions.

E. Administrative Support Staff. The El Monte Community Services Department (hereinafter, the "Department") shall be the city department responsible for working with and providing administrative support to the Commission as it conducts its business. The Department shall designate those members of its staff who shall have the special responsibility of overseeing the Department's work with the Commission and shall make the work number and work address of such staff members available to each Commissioner. At least one staff member of the Department shall attend each regularly scheduled, adjourned or special meeting of the Commission. (Ord. 2628 § 8, 2004; Ord. 2591 § 1 (part), 2003)

2.32.060 Duties and powers.

A. General Mandate. The purpose of the Commission shall be to: (1) recommend to the Council such policies or actions as may be necessary to create and develop an adequate system of recreation, parks, community services, social services, historical services, cultural services, transportation services, and access to facilities within the city of El Monte; and (2) prepare, for Council consideration, plans for various programs, services and activities within the city of El Monte including but not limited to the aforementioned programs.

B. Duties and Powers. With the assistance and advice of Department staff, the Commission shall investigate, study and make recommendations to the Council concerning programs, legislation or other undertakings, functions and policies which further the Commission's general mandate as set forth above. With the prior authorization of the Council, the Commission shall also: (1) work with and consult with various public and private entities to study various community service and recreational undertakings within the city; and (2) participate in the formation of activities and projects that are in line with the Commission's mandate. (Ord. 2591 § 1 (part), 2003)

2.32.070 Financial limitation.

Neither the Commission, nor any Commissioner or group of Commissioners thereof, nor any person employed thereby, shall incur any financial liability or execute any contract in the name of, or on the behalf of, the city of El Monte or its various departments or divisions, without the express, prior consent and authorization of the Council. (Ord. 2591 § 1 (part), 2003)

2.32.080 Stipends.

The Council, in its sole discretion, may permit the granting of a stipend to Commissioners or compensation for Council-authorized costs and expenses incurred by a

Commissioner on behalf of the Commission or the city of El Monte. The Council, in its sole discretion may set, increase or decrease the amount or rate of the stipend at any time with or without cause or notice to the Commissioners. Service on the Commission is voluntary and any stipend Commissioners may receive shall not be construed as an inducement to, or consideration for, their service on the Commission but merely a means to defray costs and expenses incident to such service. Commissioners shall have no vested interest in receiving any stipend the Council, in its sole discretion, may elect to provide. Accordingly, the Council may reduce the amount or rate of stipends or eliminate the grant of stipends altogether at any time it determines such action is necessary or desirable. Any of the actions authorized under this section shall be accomplished by resolution of the Council. (Ord. 2591 § 1 (part), 2003)

**2.32.090 Retroactive application of 2004
amendments to Chapter 2.32.**

The 2004 amendments and additions to this chapter which are enacted pursuant to El Monte Ordinance No. 2628 shall apply to all persons serving on the Commission at the time the 2004 amendments to Chapter 2.32 become effective. All persons serving as either Adult Commissioners or Youth Commissioners shall continue to serve on the Commission in the same capacity subject to the terms and conditions set forth in these 2004 amendments. (Ord. 2628 § 9, 2004; Ord. 2591 § 1 (part), 2003)

Chapter 2.36

EMERGENCY SERVICE ORGANIZATION

Sections:

2.36.010	Title.
2.36.020	Purposes.
2.36.030	Definition.
2.36.040	Disaster Councilmembership.
2.36.050	Disaster Council powers and duties.
2.36.060	Director and Assistant Director of Emergency Services.
2.36.070	Powers and duties of the Director and Assistant Director of Emergency Services.
2.36.080	Emergency organization.
2.36.090	Emergency plan.
2.36.100	Expenditures.
2.36.110	Punishment of violations.
2.36.120	Special curfews.

2.36.010 Title.

This chapter shall be known as the Emergency Organization Ordinance. (Prior code § 2420)

2.36.020 Purposes.

The declared purposes of this chapter are to provide for the preparation and carrying out of plans for the protection of persons and property within this city in the event of an emergency; the direction of the emergency organization; and the coordination of the emergency functions of this city with all other public agencies, corporations, organizations, and affected private persons. (Prior code § 2420.1)

2.36.030 Definition.

As used in this chapter, "emergency" means the actual or threatened existence of conditions of disaster or of extreme peril to the safety of persons and property within this city caused by such conditions as air pollution, fire, flood, storm, epidemic, riot, or earthquake, or other conditions, including conditions resulting from war or imminent threat of war, but other than conditions resulting from a labor controversy, which conditions are or are likely to be beyond the control of the services, personnel, equipment, and facilities of this city, requiring the combined forces of other political subdivisions to combat. (Prior code § 2420.2)

2.36.040 Disaster Councilmembership.

The El Monte Disaster Council is created and shall consist of the following:

- A. The Mayor, who shall be chairperson;
- B. The Director of Emergency Services, who shall be vicechairperson;
- C. The Assistant Director of Emergency Services;
- D. Such Section Coordinators and Emergency Services Management Staff as are provided for in current emergency plan of this city, adopted pursuant to this chapter. (Ord. 2566 §§ 1, 2, 2002; prior code § 2420.3)

2.36.050 Disaster Council powers and duties.

It shall be the duty of the El Monte Disaster Council, and it is hereby empowered to recommend for adoption by the City Council, emergency and mutual aid plans and agreements and such ordinances and resolutions and rules and regulations as are necessary to implement such plans and agreements. The Disaster Council shall meet upon call of the Chairperson or, in his absence from the city or inability to call such meeting, upon call of the Vice-Chairperson. (Ord. 2566 § 3, 2002; prior code § 2420.4)

2.36.060 Director and Assistant Director of Emergency Services.

A. There is created the office of Director of Emergency Services. The City Manager shall be the Director of Emergency Services;

B. There is created the office of Assistant Director of Emergency Services, who shall be appointed by the Director. (Ord. 2566 § 4, 2002; prior code § 2420.5)

2.36.070 Powers and duties of the Director and Assistant Director of Emergency Services.

A. The Director is empowered to:

1. Request the City Council to proclaim the existence or threatened existence of a "local emergency" if the City Council is in session, or to issue such proclamation if the City Council is not in session. Whenever a local emergency is proclaimed by the Director, the City Council shall take action to ratify the proclamation within seven (7) days thereafter or the proclamation shall have no further force or effect;

2. Advise the Mayor to request the Governor to proclaim a "state of emergency" when, in the opinion of the Director, the locally available resources are inadequate to cope with the emergency;

3. Control and direct the effort of the emergency organization of this city for the accomplishment of the purposes of this chapter;

4. Direct cooperation between and coordination of services and staff of the emergency organization of this city; and resolve questions of authority and responsibility that may arise between them;

5. Represent this city in all dealings with public or private agencies on matters pertaining to emergencies as defined herein;

6. In the event of the proclamation of a "local emergency" as herein provided, the proclamation of a "state of emergency" by the Governor or the Director of the State Office of Emergency Services, or the existence of a "state of war emergency," the Director is empowered:

a. To make and issue rules and regulations on matters reasonably related to the protection of life and property as affected by such emergency; provided, however, such rules and regulations must be confirmed at the earliest practicable time by the City Council,

b. To obtain vital supplies, equipment, and such other properties found lacking and needed for the protection of life and property and to bind the city for the fair value thereof and, if required immediately, to commandeer the same for public use,

c. To require emergency services of any city officer or employee and, in the event of the proclamation of a "state of emergency" in the county in which this city is located or the existence of a "state of war emergency," to command the aid of as many citizens of this community as he or she deems necessary in the execution of his or her duties; such persons shall be entitled to all privileges, benefits, and immunities as are provided by state law for registered disaster service workers,

d. To requisition necessary personnel or material of any city department or agency, and

e. To execute all of his ordinary power as City Manager, all of the special powers conferred upon him or her by this chapter or by resolution or emergency plan pursuant hereto adopted by the City Council, all powers conferred upon him or her by any statute, by any agreement approved by the City Council, and by any other lawful authority.

B. The Director of Emergency Services shall designate the order of succession to that office, to take effect in the event the Director is unavailable to attend meetings and otherwise perform his or her duties during an emergency. Such order of succession shall be approved by the City Council upon the adoption by resolution of the City Emergency Plan.

C. The Director of Emergency Services shall with the assistance of the Emergency Services Management Staff, develop emergency plans and manage the emergency programs of this city.

D. The Assistant Director of Emergency Services shall serve as Director with all the powers therein, in the absence of the Director, and shall perform as assigned such other powers, duties, and responsibilities as ordered by the Director. (Ord. 2566 §§ 5—8, 2002; prior code § 2420.6)

2.36.080 Emergency organization.

All officers and employees of this city, together with those volunteer forces enrolled to aid them during an emergency, and all groups, organizations, and persons who may by agreement or operation of law, including persons impressed into service under the provisions of Section 2.36.070(A)(6)(c) of this chapter be charged with duties incident to the protection of life and property in this city during such emergency, shall constitute the emergency organization of the city. (Amended during 1999 recodification; prior code § 2420.7)

2.36.090 Emergency plan.

The Director of Emergency Services and the Emergency Services Staff shall be responsible for the development of the city emergency plan, which plan shall provide for the effective mobilization of all of the resources of this city, both public and private, to meet any condition constituting a local emergency, state of emergency, or state of war emergency; and shall provide for the organization, powers and duties, services, and staff of the emergency organization. Such plan will comply with the Standardized Emergency Management System and shall take effect upon the adoption by resolution of the City Council. (Ord. 2566 § 9, 2002; prior code § 2420.8)

2.36.100 Expenditures.

Any expenditures made in connection with emergency activities, including mutual aid activities, shall be deemed conclusively to be for the direct protection and benefit of the inhabitants and property of the city. (Prior code § 2420.9)

2.36.110 Punishment of violations.

No person shall:

A. Wilfully obstruct, hinder, or delay any member of the emergency organization in the enforcement of any lawful rule or regulation issued pursuant to this chapter, or in the performance of any duty imposed upon him or her by virtue of this chapter;

B. Do any act forbidden by any lawful rule or regulation issued pursuant to this chapter, if such act is of such a nature as to give or be likely to give assistance to the enemy or to imperil the lives or property of inhabitants of

this city, or to prevent, hinder, or delay the defense or protection thereof;

C. Wear, carry, or display, without authority, any means of identification specified by the emergency agency of the state. (Prior code § 2420.10)

2.36.120 Special curfews.

A. In addition to the powers of the City Council or the powers delegated to the Director under this chapter, upon the declaration of a local emergency or upon the declaration of a state of emergency affecting the city, the City Council and the Director shall have the power to establish and enforce a curfew as provided in this section.

If the existence of a local emergency has been proclaimed in accordance with this chapter, a curfew may be established by an order of the City Council or Director, as appropriate, by reference to this section ("curfew order"). A curfew order shall be effective for no more than seventy-two (72) hours following its commencement if promulgated by the City Council on such shorter period as directed by the City Council. A curfew order shall be effective for no more than twenty-four (24) hours following its commencement if promulgated by the Director. The term of a curfew order may be extended by order of the City Council or the Director upon a written finding of necessity for such an extension; provided however, no extension of the term of a curfew order may exceed twenty-four (24) hours, unless prior to the expiration of the curfew order, as extended, another written finding is made in support of a further extension. A curfew order (and each extension of a curfew order) shall indicate the time at which the curfew order shall become effective and shall also specify its duration in accordance with this section. A curfew order (and each extension of a curfew order) may include the supplemental provisions of subsection C and/or D of this section or any other provision as authorized or implied by Government Code Section 8550, et seq., or this chapter, and in addition, an existing curfew order may be modified or amended to include such provisions.

B. During the effectiveness of a curfew order (and each extension of a curfew order), no person shall be in a public place except for a lawful business purpose. It is unlawful for any person who is in a public place to refuse to provide a peace officer with written identification of the identity of such person, and a verbal statement so the peace officer of the lawful business purpose of such person for being in a public place during the time of such curfew. For the purpose of this subsection, the term "lawful business purpose" means and includes going to or from the dwelling of the person: in connection with school or an occupation, or in connection with seeking medical treat-

ment, or in connection with transporting other persons to a place of work or occupation or school or medical treatment, or in connection with obtaining goods or services at a specific business location disclosed to a peace officer, or in connection with visiting third persons at a specific location on private property disclosed to the peace officer, or in connection with engaging in worship or other lawful public assembly at a specific location disclosed to the peace officer.

C. A curfew order (or extension of a curfew order) may include, at the discretion of the City Council and/or the Director, a direction that the retail sale of the following products shall cease or shall be subject to other specific regulation as may be included in the curfew order: (1) retail sales of gasoline; (2) retail sales of weapons and ammunition; and (3) retail sales for off-premises and/or on-premises consumption of alcoholic beverages.

D. A curfew order (or extension of a curfew order) may include, at the discretion of the City Council and/or the Director, a direction that all or certain designated places of business shall be closed within a portion (or all) of the city as designated in a curfew order.

E. Notwithstanding the provision of Section 2.36.110, it shall be a misdemeanor, punishable by a fine not to exceed one thousand dollars (\$1,000.00) or by imprisonment not to exceed six (6) months, or both for any person to violate a curfew order (or extension of a curfew order) established under this section or such other form of curfew order as may be established by other applicable law.

F. In the event that the county may declare a state of emergency as applicable so the territorial jurisdiction of the city and enact a curfew order under such owners as authorized by applicable law to the county which is effective in the city, then in such event, a curfew order of the city shall have no further force nor effect, and peace officers shall enforce such county curfew order in the city in accordance with the terms of such county curfew order.

G. Regardless of its term, a curfew order may be rescinded at any time following its effectiveness upon an order of the City Council or the Director.

H. The City Council declares its intention that the provisions of this Section 8550 shall be cumulative with the other powers authorized by Government Code Section 8550 et seq., and this chapter, and shall not be deemed so be a limitation upon such powers. (Amended during 1999 recodification; prior code § 2420.11)

Chapter 2.40

INDUSTRIAL DEVELOPMENT AUTHORITY

Sections:

- 2.40.010 **Established.**
- 2.40.020 **Board of Directors.**
- 2.40.030 **Declarations—Statutory
authority.**
- 2.40.040 **Authority established.**
- 2.40.050 **Industrial Development
Authority.**

2.40.010 Established.

The City Council finds and declares that there is a need for an industrial development authority to function in the city. (Ord. 2387 § 1, 1993)

2.40.020 Board of Directors.

The City Council declares itself to be the Board of Directors of such industrial development authority, and all the rights, powers, privileges, duties, liabilities, disabilities and immunities vested in such a board shall be vested in this City Council as such Board. (Ord. 2387 § 2, 1993)

2.40.030 Declarations—Statutory authority.

Declarations set forth in this chapter are made in accordance with the California Industrial Development Financing Act (Title 10, commencing with Section 91500, of the Government Code). (Amended during 1999 recodification; Ord. 2387 § 3, 1993)

2.40.040 Authority established.

The authority established in the city by the Act referred to a Section 2.40.030 and authorized to transact business and exercise its powers thereunder by this chapter shall be known as the "Industrial Development Authority of the City of El Monte." (Ord. 2387 § 4, 1993)

2.40.050 Industrial Development Authority.

The Industrial Development Authority of the city was established pursuant to Ordinance 2387 adopted on November 9, 1993. It is the intent of the City Council in adopting the ordinance codified in this chapter that the provisions hereof be deemed a codification of the provisions of Ordinance 2387 shall not constitute a new enactment, rather a codification of the division of said ordinance, in this code for the convenience of the public. (Amended during 1999 recodification)

Chapter 2.44

REDEVELOPMENT AGENCY

Sections:

2.44.010 Created.

2.44.020 Rights, powers and duties.

2.44.010 Created.

The City Council has heretofore found and declared, pursuant to Section 33101 of the Community Redevelopment Law, that there is a need for the Redevelopment Agency created by Section 33100 of said law to function in the city, and said Agency is authorized to transact business and exercise its powers under the Community Redevelopment Law. (Amended during 1999 recodification; Ord. 1649 § 1, 1972)

2.44.020 Rights, powers and duties.

Pursuant to Section 33200 of the Health and Safety Code, the City Council of the city does declare itself to be the agency, and all the rights, powers, duties, privileges and immunities, vested by law in a Redevelopment Agency, shall be vested in the City Council of the city, except as otherwise provided by law. (Ord. 1649 § 2, 1972)

Chapter 2.48**EL MONTE
BEAUTIFICATION COMMISSION*****Sections:**

2.48.010	Creation.
2.48.020	Definitions.
2.48.030	Membership.
2.48.040	Vacancies and removal.
2.48.050	Internal organization.
2.48.060	Duties and powers.
2.48.070	Financial limitation.
2.48.080	Stipends.
2.48.090	Non-retroactive application of 2004 amendments to Chapter 2.48.

*Prior history: Prior code §§ 2470—2475 and Ord. 2521.

2.48.010 Creation.

The City of El Monte Beautification Commission, previously organized pursuant to Ordinance 2521, is reorganized, restructured and renamed the “El Monte Beautification Commission.” (Ord. 2609 § 1 (part), 2004)

2.48.020 Definitions.

For the purposes of this chapter, the terms set forth in this section shall have the following meanings unless otherwise indicated in this chapter:

A. **Acting Council.** The term “Acting Council” means the El Monte City Council acting and operating under circumstances in which at least one, but no more than two (2), of its five (5) Council Seats are vacant.

B. **Brown Act.** The term “Brown Act” means the Ralph M. Brown Act (Government Code Section 54950 et seq.) of the state of California.

C. **City.** The term “city” means the city of El Monte, a California municipal corporation.

D. **Code.** The term “code” means the El Monte Municipal Code.

E. **Commission.** The term “Commission” means the El Monte Beautification Commission, which is composed of ten (10) Commission Seats.

F. **Commission Seat.** The term “Commission Seat” means any one of the ten (10) membership positions on the El Monte Beautification Commission which are occupied by each of the ten (10) Commissioners. The plural term “Commission Seats” may refer to one or more Commission Seats or all ten (10) Commission Seats, whichever meaning is reasonably appropriate given the context.

G. **Commissioner.** The term “Commissioner” means any one of the ten (10) occupants of the ten (10) Commission Seats that constitute the El Monte Beautification Commission.

H. **Council.** The term “Council” means the legislative body of the city of El Monte, namely the El Monte City Council, which is composed of five (5) Council Seats, including the Council Seat occupied by the Mayor.

I. **Council Member(s).** The term “Council Member” means any one of the five (5) occupants of the five (5) Council Seats that constitute the Council. The plural term “Council Members” shall be used to refer to all five (5) of the occupants of the five (5) Council Seats that constitute the Council.

J. **Council Seat.** The term “Council Seat” means any one of the five (5) membership positions on the Council, which are occupied by each of the five (5) Council Members.

K. **Normal Expiration Date.** With respect to a Council Seat, the phrase “normal expiration date” means the date upon which the term of office for a particular Council Seat would otherwise expire, absent an early vacancy. For example, in the case of a Council Seat occupied by the Mayor, the normal expiration date is a date that is two (2) years from the date a person is sworn in as Mayor. In the case of all other Council Seats, the normal expiration date is a date that is four (4) years from the date a person is sworn in as a Council Member. (Ord. 2609 § 1 (part), 2004)

2.48.030 Membership.

A. **Composition of Commission.** The Commission shall consist of ten (10) Commissioners. Each of the five (5) Council Members may nominate two (2) persons to fill two (2) of the ten (10) Commission Seats, subject to approval by the Council. Except as may otherwise be provided in this chapter, six (6) members of the Commission shall constitute the minimum quorum necessary for the Commission to conduct business and take action.

B. **Tenure At-Will.** Each Commissioner serves at the pleasure of the Council Member who appointed the Commissioner to the Commission. Any Council Member may, at any time with or without cause, remove a Commissioner he or she previously nominated to the Commission and have that Commissioner replaced by an alternate nominee, provided such alternate nominee is duly approved by the Council in the manner prescribed in subsection A of this section.

C. **Length of Service.** Subject to the terms of subsection B of this section and Section 2.48.040, the tenure of a Commissioner shall terminate automatically upon the normal expiration date of the Council Seat occupied by the

Council Member who nominated the Commissioner to the Commission. Except as otherwise provided in this subsection, a Commissioner whose tenure has automatically expired may be re-nominated and re-approved to serve a subsequent Commission term. The foregoing notwithstanding, no Commissioner under any circumstance shall serve on the Commission for a period in excess of eight (8) consecutive years. Also, no person who has previously served on the Commission for a period of eight (8) consecutive years or more may be nominated or approved to serve on the Commission prior to the lapse of one full year from the date his or her prior tenure of eight (8) consecutive years came to an end.

D. **Basic Qualifications.** No person shall be eligible for appointment as a Commissioner unless at the time of such appointment he or she (a) is eighteen (18) years of age or older; and (b) is, and for at least one year prior to such appointment was, a resident of the city of El Monte. No person shall continue to serve as a Commissioner once he or she ceases to be a resident of the city of El Monte. When a Commissioner ceases to be a resident of the city of El Monte, the Commission Seat he or she occupies shall be declared vacated by the Council. (Ord. 2609 § 1 (part), 2004)

2.48.040 Vacancies and removal.

A. **General Vacancies on the Commission Itself.** If a Commissioner vacates a Commission Seat for any reason, the vacating Commissioner shall be replaced in a manner that conforms to the terms of Section 2.48.030.

B. **Impact of Vacancies on the City Council.** If a Council Member vacates a Council Seat, the presently serving Commissioners nominated by the vacating Council Member shall continue to serve up to the normal expiration date of the Council Seat occupied by the vacating Council Member, unless and until either of the following occurs:

1. The vacated Council Seat is filled (either by election or appointment) and the person filling the vacated Council Seat, after being sworn into office, appoints an alternate nominee(s) to serve in place of the presently serving Commissioner(s); or

2. Prior to the normal expiration date of the Council Seat occupied by the vacating Council Member and prior to the swearing in of an elected or appointed replacement Council Member, no less than three (3) members of the Acting Council vote in favor of another person(s) to serve in place of the vacating Council Member's presently serving Commissioner(s). Any alternate person(s) so appointed shall serve at the pleasure of the Council and only until the person who fills the vacated Council Seat is sworn into office.

C. **Removal by Council for Cause.** The Council, by direct action or upon the recommendation of the Commission, may remove a Commissioner for cause in the event of the following:

1. **Conduct Unbecoming.** The Commissioner engages in conduct unbecoming of a representative for the city of El Monte, including, but not limited to, the conviction of a felony or any crime of moral turpitude; wrongfully and knowingly representing personal positions, opinions, or beliefs as being those of the entire Commission or the city of El Monte; the criminal or negligent misappropriation or misuse of Commission funds or other city property (including city funds); or legally binding (or attempting to legally bind) the Commission or the city of El Monte to promises, assurances or agreements that have not been duly ratified by the Commission or the Council, whichever is the appropriate ratifying body; or

2. **Unexcused Absences from Meetings.** The Commissioner fails to attend three (3) consecutive regularly scheduled meetings of the Commission without the prior consent of the Commission. All approved absences must be noted in the minutes of the Commission in order to be valid.

A vote of no less than three (3) Council Members shall be required to remove a Commissioner on any of the grounds set forth in this subsection. Furthermore, such grounds for removal shall be in addition to (and not in lieu of) any other applicable grounds set forth in the code. Whether or not the Council makes any findings for or against the removal of a Commissioner pursuant to this subsection and regardless of the recommendation, or absence of a recommendation, on the part of the Commission, nothing in this subsection shall, under any circumstance, preclude the removal of a Commissioner, with or without cause, pursuant to Section 2.48.030(B) or subsections B and D of this section.

D. **Failure to Appoint.** In the event a Commission Seat remains vacant for a period in excess of ninety (90) days due to a Council Member's failure to exercise his or her authority to nominate a person to fill a vacant Commission Seat, the Council may in its sole discretion fill that vacancy, provided any such person so selected receives no less than three (3) votes in favor of appointment. Any person so appointed to the Commission by the Council shall serve at the pleasure of the Council for a term of one year commencing from the date upon which such person is sworn in.

E. **Ineligibility Following Vacancy or Removal.**

1. **Ineligible Persons.** The following persons shall be ineligible for nomination or appointment to the Commission for a period of one year from the date of their vacancy

or removal from the Commission, whichever the case may be:

- a. Any Commissioner who voluntarily vacates a Commission Seat;
- b. Any Commissioner removed by the Council Member who appointed the Commissioner to the Commission, except as otherwise provided in subsection (E)(2)(b) of this section; and
- c. Any Commissioner removed by the Council pursuant to subsection C of this section.

2. Exceptions to Ineligibility Restriction. The eligibility restrictions set forth in subsection (E)(1) of this section shall not apply to the following:

- a. Any Commissioner whose tenure on the Commission has simply expired, unless the Commissioner has completed eight (8) consecutive years of service on the Commission upon the expiration of the Commissioner's tenure;
- b. Any Commissioner who was previously removed from the Commission by the Council Member who nominated the Commissioner to the Commission but who is later re-nominated to serve on the Commission on behalf of another Council Member;
- c. Any Commissioner removed pursuant to subsection B of this section;
- d. Any Commissioner removed at the pleasure of the Council after having been appointed to the Commission by the Council pursuant to subsection D of this section.

If a person is reappointed to the Commission under any of the exceptions set forth in this subsection and such reappointment occurs within one year from the date of the Commissioner's prior removal or completion of service, any consecutive time served on the Commission prior to such removal or completion of service shall, upon his or her swearing in, be counted toward the eight (8) consecutive year limitation set forth in Section 2.48.030(C). (Ord. 2609 § 1 (part), 2004)

2.48.050 Internal organization.

A. Commission Officers. During the month of February of each calendar year, the Commissioners shall nominate and elect from among themselves one Commissioner who shall serve as Chair; one Commissioner who shall serve as Vice-Chair; one Commissioner who shall serve as Treasurer; and one Commissioner who shall serve as Secretary. Any Commissioner elected to serve as Chair, Vice-Chair, Treasurer or Secretary shall occupy that Commission post for a term of one year, unless the Commissioners vote to remove a Commissioner elected to serve as Chair, Vice-Chair, Treasurer or Secretary before the end of his or her one-year term by no less than seven (7) votes with all Commissioners present for the vote or

unless a Commissioner serving as Chair, Vice-Chair, Treasurer or Secretary is removed from the Commission or vacates his or her Commission Seat. The Chair shall preside over all meetings of the Commission. The Vice-Chair shall assume the duties of the Chair when the Chair is absent from a meeting of the Commission. In the event the Commissioner serving as Chair is removed from the Commission or vacates his or her Commission Seat, the Vice-Chair shall assume the position of Chair for the remainder of the removed or vacating Chair's term. If the Vice-Chair is elevated to the post of Chair due to the removal or vacation of the post by the departing Chair, the Commission shall elect a new Vice-Chair from among itself no later than the next regularly scheduled meeting of the Commission. If a Commissioner serving as Vice-Chair, Treasurer or Secretary is removed from the Commission or vacates his or her Commission Seat, the remaining Commissioners shall elect a new person(s) to fill the vacated Commission post(s) at the earliest possible meeting date.

B. Additional Offices. Subject to all restrictions applicable to Commissioners under this chapter, the Commission may create and fill such other internal offices as it may determine to be advisable or desirable.

C. Meetings. The Commission shall hold regularly scheduled meetings on the second Wednesday of each month at such time and location as may be convenient or necessary. The Commission may hold such additional adjourned or special meetings as may be called in accordance with the provisions of the Brown Act and any other applicable state statutes or provisions of the code.

D. Internal Rules for the Conduct of Business. Subject to Council overrule and in conformity with the Brown Act and all other applicable laws or code provisions, the Commission shall conduct all proceedings in conformity with the latest edition of Robert's Rules of Order and shall keep a record of its resolutions, transactions, findings and determinations, which record shall be a public record subject to disclosure in the absence of any applicable statutory or common law privileges, restrictions or exemptions.

E. Administrative Support Staff. The administrative support staff of the Community Development Department/Building and Code Services Division (the "Division") shall be responsible for working with and providing administrative support to the Commission as it conducts its business. The Division shall designate those members of its staff who shall have the special responsibility of overseeing the Division's work with the Commission and shall make the work number and work address of such staff members available to each Commissioner. At least one staff member of the Division shall attend each regularly

scheduled, adjourned or special meeting of the Commission. (Ord. 2609 § 1 (part), 2004)

2.48.060 Duties and powers.

Subject to review and approval by the Council, the Commission shall be authorized to undertake the following:

A. Establish recommended standards for determining whether certain residential and commercial properties in the city are worthy of special recognition by the city by reason of their aesthetic appearance and the effect the property has upon the city's image and community pride.

B. Upon determining that a property deserves special recognition, the Commission shall recommend to the Council that the efforts of the owner (or other responsible person(s)) have enhanced the community's image, beauty and pride, thereby meriting special recognition through the award of a beautification honor from the city.

C. From time to time, the Commission shall submit recommended standards of merit and recognition of effort for owners of property to promote and enhance the image, beauty and community pride in the city for review and approval by the Council.

D. Establish one or more classifications or categories of property for special recognition, including without limitation, the standards by which commercial, residential, multiple residential, institutional and industrial use properties may be identified for special recognition. Upon the review and approval of such standards by the Council, the Commission shall survey the city on a quarterly basis for properties that are worthy of special recognition honor to be awarded annually.

E. Annually recommend to the Council the form of the honor to be awarded to properties identified by the Commission as deserving of special recognition. (Notwithstanding the foregoing, nothing herein shall be deemed to limit or prevent the Commission from soliciting community support or financial contributions to fund activities and the cost of beautification awards.)

F. Solicit and disburse non-governmental funds and contributed funds for the purpose of carrying out its special projects activities while maintaining control over the use of such funds, subject to Council review and oversight. (Ord. 2609 § 1 (part), 2004)

2.48.070 Financial limitation.

A. Contracts. Neither the Commission nor any individual Commissioner, nor any person employed thereby, shall incur any financial liability or execute any contract in the name of or on behalf of the city without the express consent or authorization of the Council.

B. Solicitation of Non-Governmental Funds. The foregoing notwithstanding, the Commission shall be authorized to solicit and disburse non-governmental funds and contributed funds for the purpose of carrying out its special projects and activities and shall maintain control over these funds through the Commission's Chair, Vice-Chair, Treasurer and Secretary.

C. Annual Reports. The Commission shall submit an annual report to the Council for review of all activities and financial transactions for the prior fiscal year. The annual report shall be prepared and submitted to the Council during the month of December of each calendar year and shall be for the preceding fiscal year's activities and actions. (Ord. 2609 § 1 (part), 2004)

2.48.080 Stipends.

The Council, in its sole discretion, may (a) permit the grant of a stipend to Commissioners or compensation for Council-authorized costs and expenses incurred by a Commissioner on behalf of the Commission or the city of El Monte; or (b) set, increase or decrease the amount or rate of any authorized stipend at any time with or without cause or notice to the Commissioners. Service on the Commission is voluntary, and any stipend Commissioners may receive shall not be construed as an inducement to, or consideration for, their service on the Commission but merely a means to defray costs and expenses incident to such service. Commissioners shall have no vested interest in receiving any stipend the Council, in its sole discretion, may elect to provide. Accordingly, the Council may reduce the amount or rate of stipends or eliminate the grant of stipends altogether at any time it determines such action is necessary or desirable. Any of the actions authorized under this section shall be accomplished by resolution of the Council. (Ord. 2609 § 1 (part), 2004)

2.48.090 Non-retroactive application of 2004 amendments to Chapter 2.48.

These 2004 amendments to Chapter 2.48, which are enacted pursuant to El Monte Ordinance No. 2609, shall not apply retroactively to all persons serving on the Commission at the time these 2004 amendments to Chapter 2.48 become effective. Accordingly, all Commissioners serving on the Commission prior to effective date of Ordinance No. 2609 shall be deemed to have commenced their term from the effective date of Ordinance No. 2609. (Ord. 2609 § 1 (part), 2004)

Chapter 2.60**PEACE OFFICER STANDARDS AND TRAINING****Sections:**

- 2.60.010** **Declaration of intent.**
- 2.60.020** **Adherence to state standards.**
- 2.60.030** **Adherence to Department of
Corrections standards.**

2.60.010 **Declaration of intent.**

The City Council declares that it desires to qualify to receive aid from the state of California under the provisions of Section 13522, Chapter 1 of Title 4, Part 4, of the California Penal Code. (Prior code § 2440)

2.60.020 **Adherence to state standards.**

Pursuant to Section 13510(a) and Section 13510(c), Chapter 1, of Title 4, Part 4, of the California Penal Code, the city will adhere to standards for recruitment and training of local law enforcement officers and local public safety dispatches established by the California Commission on Peace Officer Standards and Training. (Prior code § 2441)

2.60.030 **Adherence to Department of
Corrections standards.**

While receiving any State Aid pursuant to Article 3, commencing with Section 6040 of the California Penal Code, the city will adhere so the standards for selection and training established by the Board of Corrections. (Prior code § 2442)

Chapter 2.64

UNCLAIMED PROPERTY

Sections:

- 2.64.010** **Property found by city employees.**
- 2.64.020** **Duties of finder not a city employee.**
- 2.64.030** **Delivery to Police Department.**
- 2.64.040** **Restoration to owner.**
- 2.64.050** **Holding period.**
- 2.64.060** **Sale at public auction.**
- 2.64.070** **Property appraisal.**
- 2.64.080** **Sale of unclaimed property—Notice.**
- 2.64.090** **Sale of unclaimed property—Proceeds.**
- 2.64.100** **Disposal by Administrative Officer.**
- 2.64.110** **Disposal of dangerous property.**
- 2.64.120** **Retention for public use.**
- 2.64.130** **Bicycles and toys.**
- 2.64.140** **Redemption by owner.**
- 2.64.150** **Money.**
- 2.64.160** **Money—Notice.**
- 2.64.170** **Claim for money.**
- 2.64.180** **Unclaimed money.**
- 2.64.190** **Acquisition without notice.**
- 2.64.200** **Intentionally abandoned property.**

2.64.010 Property found by city employees.

Every officer and employee of the city who shall find any lost money or property in or upon any public ground, street, highway, road, alley, sidewalk as defined by Section 5600 of the Streets and Highways Code of the state, any public building or other real property of the city, or when in the course of his or her duties as a city employee shall otherwise come into the possession of any personal property the owner of which is unknown, shall deliver the same to the officer or person in charge of the place where such money or property is found, or to the head of the department in which such employee is employed, together with a written statement disclosing the circumstances of the finding, including the time and place thereof and the address of the owner or the person entitled to the possession thereof if known to the finder. (Prior code § 4301)

2.64.020 Duties of finder not a city employee. Any person who is not an employee of the city and

who finds and takes possession of any money, goods, or other personal property having a value of ten dollars (\$10.00) or more shall, within a reasonable time, inform the owner, if known, and make restitution without charge, except a reasonable charge for taking care of the property. (Prior code § 4301.1)

2.64.030 Delivery to Police Department.

A. If the owner is unknown or has not claimed the property, the person finding the property, the head of the department to whom such property is delivered by a city employee, or the officer or person in charge of the place where such property is found and to whom such property is delivered by a city employee, shall within a reasonable time cause the property, along with any written statement relevant to its finding received from a city employee, to be delivered to the custody of the Chief of Police who shall care for and protect all such property coming into his or her possession. The person finding such property and delivering such property to the Chief of Police, if not an employee of the city nor the officer or person to whom such property was delivered by an employee of the city, shall make an affidavit particularly describing the property and stating when and where it was found.

B. Unclaimed property is to be delivered to the Police Department only if the property has a value of one hundred dollars (\$100.00) or more. (Amended during 1999 recodification; prior code § 4302)

2.64.040 Restoration to owner.

The Police Department shall notify the owner, if his or her identity is reasonably ascertainable, that it possesses the property and where it may be claimed. The Police Department may require payment by the owner of a reasonable charge to defray costs of storage and care of the property. If the owner appears within ninety (90) days after receipt of the property by the Police Department, proves his or her ownership of the property, and pays all reasonable charges, the Police Department shall restore the property to him or her. (Prior code § 4302.1)

2.64.050 Holding period.

When property is found and turned over to the Police Department and no owner appears and proves his or her ownership within ninety (90) days:

A. If the reported value of the property is less than two hundred fifty dollars (\$250.00), title thereto shall vest in the person who found or saved the property unless the property was found in the course of employment by an employee of any public agency in which case the property shall be sold at public auction.

B. If the reported value of the property is two hundred fifty dollars (\$250.00) or more, the Chief of Police shall cause a notice of the property to be published at least once in a newspaper of general circulation including the city. If, after seven (7) days following the first publication of the notice, no owner appears and proves his or her ownership of the property and the person who found or saved the property pays the cost of publication, title thereto shall vest in that person unless the property was found in the course of employment by an employee of any public agency in which case the property shall be sold at public auction. Title to the property shall not vest in the person who found or saved the property or in the successful bidder at the public auction unless the cost of publication is first paid to the city. (Amended during 1999 recodification; prior code § 4302.2)

2.64.060 Sale at public auction.

All unclaimed property, other than money, received by the Police Department either pursuant to Section 2.64.030, found or saved on property subject to its jurisdiction, or seized as evidence pursuant to its jurisdiction and subsequently authorized for release, shall be held for a period of at least three (3) months from and after the date of its being received, found, or authorized for release, whichever is longer, and thereafter sold by the Chief of Police, or by some person under his or her direction, at public auction to the highest bidder. (Prior code § 4303)

2.64.070 Property appraisal.

When the Chief of Police or his or her designee determines that unclaimed property has a special value, it shall be appraised for the purpose of establishing a minimum bid for such item. In the event such item does not receive the minimum bid at auction, it may be retained by the Chief of Police or his or her designee and thereafter sold at a subsequent public auction without a minimum bid or disposed of pursuant to Section 2.64.100. (Prior code § 4303.1)

2.64.080 Sale of unclaimed property—Notice.

Notice of sale of unclaimed property shall be given by the Chief of Police at least five (5) days before the time fixed therefore by publication once in a newspaper of general circulation including the city. Said notice shall contain a statement of the time and place fixed by the Chief of Police for such auction, together with a general statement of the kind of property offered for sale. (Prior code § 4304)

2.64.090 Sale of unclaimed property—Proceeds.

Immediately upon the completion of any such sale, the Chief of Police shall report to the City Controller the necessary expenses of such sale actually incurred and a statement of the proceeds of such sale, and shall forthwith pay to the City Treasurer for deposit in the general fund the proceeds remaining after payment of the expenses actually incurred. (Prior code § 4305)

2.64.100 Disposal by Administrative Officer.

If there be no bids for any item offered for sale at such auction, it shall be offered for sale with other unclaimed found property at the next auction sale. If any item be not sold at the second auction at which it is offered, it shall be turned over to the Administrative Officer who shall make such disposition thereof, in the public interest, as he or she shall deem fit. The Administrative Officer shall advise the City Controller of the disposition made of all such property thus received by him or her, and shall forthwith pay the City Treasurer all moneys received by him or her in the disposal of such property. (Prior code § 4306)

2.64.110 Disposal of dangerous property.

Property of any kind or character whatsoever the possession of which is prohibited by law or, as determined by the Chief of Police, is inherently dangerous or poses a threat to public peace or safety, shall not be offered for sale at public auction pursuant to Section 2.64.080, nor be disposed of by the Administrative Officer pursuant to Section 2.64.100, nor be retained for public use pursuant to Section 2.64.120 except as an educational or training aid for the police and/or fire departments with the approval of the City Council, but shall be disposed of as is provided by law or, in the absence of an applicable provision, as designated by the Chief of Police and approved by the City Council. (Prior code § 4306.1)

2.64.120 Retention for public use.

If the Chief of Police, his or her designee, the Purchasing Officer of the city, or the Administrative Officer of the city, determines that any unclaimed property designated for sale or disposal is needed for a public use, pursuant to authority granted by California Civil Code Section 2080.4, such property need not be sold or disposed of but may be retained by the city. (Prior code § 4306.2)

2.64.130 Bicycles and toys.

The Chief of Police, in lieu of sale at public auction

or conversion to public use by the city, may elect to dispose of bicycles and toys by delivering them over to the Probation Department or Welfare Department of the county pursuant to the provisions of Section 217 of the Welfare and Institutions Code. (Prior code § 4306.3)

2.64.140 Redemption by owner.

If property is designated for sale at public auction pursuant to Section 2.64.060 of this chapter or converted to public use pursuant to either Section 2.64.120 or 2.64.130, it shall not thereafter be redeemable by the owner or other person entitled to possession. (Prior code § 4306.4)

2.64.150 Money.

Except as otherwise provided by law, any money deposited with the Chief of Police may be held by the Chief of Police and/or the City Treasurer for a period of three (3) years. Any money deposited which remains unclaimed for three (3) years shall become the property of the city if not claimed or if no verified complaint is filed and served after notice is given pursuant to Section 2.64.160. (Prior code § 4307)

2.64.160 Money—Notice.

At the expiration of the three (3) year holding period, the Chief of Police and/or City Treasurer shall cause a notice to be published in the official newspaper once a week for two (2) successive weeks stating the amount of the money, the fund in which it is held, and that it is proposed that the money will become the property of the city on a designated date of not less than forty-five (45) days nor more than sixty (60) days after the first publication of said notice. (Prior code § 4307.1)

2.64.170 Claim for money.

Upon or prior to publication, a party of interest may file a claim with the Chief of Police and/or City Treasurer which must include the claimant's name, address, amount of claim, the grounds on which the claim is founded, and any other information that may be required of the claimant. The Chief of Police and/or City Treasurer shall accept or reject each such claim according to its merit. Upon rejecting any claim, the Chief of Police and/or City Treasurer shall notify the claimant that he or she has only thirty (30) days in which to file and serve a court action on the claim. Notwithstanding other provisions of this section, the Chief of Police and/or City Treasurer may release to the depositor of the unclaimed money, their heir, beneficiary, or duly appointed representative, unclaimed money if claimed prior to the date

the money becomes the property of the city upon submission of satisfactory proof. (Prior code § 4307.2)

2.64.180 Unclaimed money.

Any money not claimed by the date designated in the notice or for which no court action is filed and served within thirty (30) days of a claim rejection shall become the property of the city and shall be deposited in the general fund. (Prior code § 4307.3)

2.64.190 Acquisition without notice.

Any other provision of law notwithstanding, any amount of money of less than ten dollars (\$10.00), or any amount if the depositor's name is unknown, which remains unclaimed for three (3) years may be transferred to the general fund by the City Council without the necessity of publication of notice. (Prior code § 4307.4)

2.64.200 Intentionally abandoned property.

The provisions of this chapter have no application to things which have been intentionally abandoned by their owner. (Prior code § 4308)

Chapter 2.68

MISCELLANEOUS ADMINISTRATIVE REGULATIONS

Sections:

- 2.68.010** **Public office hours.**
- 2.68.020** **Charges for copies of public records.**
- 2.68.030** **Police fees and charges—Purpose.**
- 2.68.040** **Fees for release of impounded vehicles.**

2.68.010 **Public office hours.**

A. On all days of the calendar year, the business offices of the city shall be open to the public for the transaction of city business between the hours of seven a.m. and five-thirty p.m. Monday-Thursday, except on the following days:

1. Every Saturday;
2. Every Sunday;
3. New Year's Day;
4. Washington's Birthday;
5. Memorial Day;
6. Independence Day;
7. Labor Day;
8. Veteran's Day;
9. Thanksgiving Day;
10. Christmas Day;

11. Every day appointed by proclamation of the President or Governor for a public fast, thanksgiving, or holiday;

12. Half day before Christmas Day (12:00—5:30);
13. Half day before New Year's Day (12:00—5:30).

B. If any of the days specified in subsections (A)(3)—(11) of this section falls upon a Sunday, the public offices of the city shall be closed on the Monday following that day. If any of the days specified in subsections (A)(3)—(11) of this section falls upon a Saturday, the public offices of the city shall be closed on the Friday preceding that day. (Prior code §§ 2731, 2732)

2.68.020 **Charges for copies of public records.**

The City Council may authorize the Office of the City Clerk, and other departments of the City, to assess and collect a reasonable fee or charge for the production, copying or transmittal of any public record or document as may be requested by an interested person pursuant to the Public Records Act or other applicable law, including without limitation Government Code Section 54954.1.

The City Council may authorize such reasonable fees and charges from time to time by resolution upon the conclusion of a duly noticed public hearing thereon. The City Council may authorize certain exemptions from such fees and charges, as appropriate. (Prior code § 2734)

2.68.030 **Police fees and charges—Purpose.**

The City Council finds that it is appropriate to authorize the El Monte Police Department so impose certain fees and charges associated with the discharge of certain custodial duties and services of the Police Department, including without limitation the assembly and production of various reports and public records. Such fees and charges shall be established or changed from time to time in accordance with this chapter. (Prior code § 3960.0)

2.68.040 **Fees for release of impounded vehicles.**

A. Upon receipt of a written report and recommendation from the Chief of Police, the City Council may authorize and approve (or amend from time-to-time) a service fee payable upon the release of any vehicle impounded or otherwise in the custody or control of the El Monte Police Department. The fee shall be based upon the reasonable cost to the city associated with the impoundment of the vehicle, including without limitation clerical and overhead costs of the Police Department as associated with the preparation of papers and documents as necessary to accomplish the release of the vehicle. The fee or charge as authorized by this section shall be payable upon the release of the vehicle. Certain persons shall be exempt from the payment of the fee or charge as authorized by this section: (1) victims of the theft of the vehicle as impounded or in the custody of the El Monte Police Department; and (2) such other persons who make a satisfactory showing of good cause for waiver of the fee or charge in accordance with written guidelines as approved by the Chief of Police.

B. Any such fee or charge (or change in an existing or previously authorized fee) shall be approved by resolution of the City Council upon the conclusion of a public hearing for which notice has been published in accordance with Government Code Section 6062a.

C. The resolution of the City Council may provide administrative procedures for the collection of the fee or charge as may be appropriate. In the event that an action may hereafter be initiated by the city to collect any sum which may be owed to the city under a fee or charge approved under this section, then in such a case the judgment in such fee collection action may include reasonable attorneys' fees of the city.

D. There is established a special service fee fund of the city identified as "El Monte Police Department Impounded Vehicle cost Recovery Fee Fund," and all sums which may hereafter be collected by the El Monte Police Department and/or the city under this section shall be deposited into such funds. (Prior code § 3960.1)

Chapter 2.72

PERSONNEL SYSTEM*

Sections:

2.72.010	Purpose and definitions.
2.72.020	Definition of terms.
2.72.030	General provisions.
2.72.040	Classification.
2.72.050	Compensation.
2.27.060	Applications and Applicants.
2.72.070	Examinations.
2.72.080	Employment lists.
2.72.090	Probationary period.
2.72.100	Attendance and leaves.
2.72.110	Pay adjustments.
2.72.120	Transfer, promotion, demotion, suspension and reinstatement.
2.72.130	Non disciplinary separation from the service.
2.72.140	Disciplinary actions.
2.72.150	Training of employees.
2.72.160	Reports and Records.
2.72.170	Performance evaluation and reports.
2.72.180	Outside employment.
2.72.200	Discrimination.
2.72.210	Solicitation of contributions.
2.72.220	Right to contract for special service.
2.72.230	Appropriation of funds.
2.72.240	Provisions of law and separability.
2.72.250	Recission and repeal of prior rules.

* Prior history: 2300—2328.2108 amended by Ords. 2802 and 2504.

2.72.010 Purpose and definitions.

The objective of these rules is to facilitate efficient and economical services to the public and to provide for a fair and equitable system of personnel management for employees in the competitive service of the city. These rules set forth in detail those procedures which ensure similar treatment for those who compete for original employment and promotion, and define the obligations, rights, privileges, benefits and prohibitions which are placed upon all employees in the competitive service of the city. At the same time, within the limits of administrative feasibility, recognition shall be given to the fact that individuals differ, that no two individuals react alike to reward and disci-

pline or to uniform motivation and encouragement. For this reason, considerable latitude shall be given to the Human Resources Officer in the execution of his/her duties and responsibilities relating to employee morale and discipline. (Ord. 2579 § 1, 2003)

2.72.020 Definition of terms.

The following terms, whenever used in these rules, shall be construed as follows

“Advancement” means a salary increase of one or more steps within the limits of the pay range established for a class.

“Allocation” means the assignment of a single position to its proper class in accordance with the duties performed, and the authority and responsibilities exercised.

“Anniversary date” means the first day of employment other than temporary in any classification for those employees hired as of the first day of any calendar month. For those employees hired after the first day of any calendar month, it shall mean the first day of the month following their date of regular employment in any classification. All vacation, sick leave, probationary, salary and retirement status shall be figured as of the anniversary date.

“Appointing power” means the City Manager for the purpose of an appointment to a position within the Competitive Service. For purposes of transfer, promotion, discipline, reinstatement or discharge of an employee within the Competitive Service, “appointing power” shall mean the City Manager or the affected employee’s department head. As used herein “appropriate authority” shall mean “appointing power” as defined in this paragraph.

“Assigned leave with pay” means temporary leave of absence with full pay and benefits. For purposes of calculating continuity of service, an assigned leave with pay shall not be considered as a break in service.

“City” means the City of El Monte.

“Class” means all positions sufficiently similar in duties, authority, responsibility, and working conditions to permit grouping under a common title and the application with equity of common standards of selection, transfer, promotion, and salary.

“Competitive service” means the positions and employments which are included or which may hereafter be included under the classified service of the city by order of the City Council. The competitive service does not include elective officers, positions on appointive boards, commissions or committees, the City Manager, Deputy City Managers, Chief of Police, City Attorney, provisional or hourly employees.

“Days” means Calendar days unless specified otherwise.

"Demotion" means the movement of a regular employee from one class to another class having a lower maximum rate of pay. Demotion may be made on a temporary or permanent basis.

"Dismissal" means the discharge of an employee from the competitive service by the appointing power for cause.

"Eligible" means a person whose name is on an employment list.

"Employment list" means a list of names of persons who are qualified for appointment to a class in the competitive service.

"Examination" means:

A. Assembled examination. An examination conducted at a specified time and place at which applicants are required to appear for competitive examination under the supervision of an examiner.

B. Unassembled examination. An examination consisting of an appraisal of training, experience, work history, or any other means for evaluating other relative qualifications of applicants.

"Medical and/or psychological examination" means an examination by a licensed physician or psychologist to determine fitness for the position.

"Immediate family" means and includes, in addition to the employee of the city, the following persons and no others:

A. The employee's spouse or domestic partner as defined in F.C. Section 297.

B. The employee's son, son-in-law, daughter or daughter-in-law.

C. The employee's stepchild.

D. The employee's adopted child.

E. The employee's father, father-in-law, mother or mother-in-law.

F. The employee's brother, brother-in-law, sister or sister-in-law.

G. The employee's grandparents and grandparents-in-law.

"Layoff" means termination of employment of an employee for lack of work, lack of funds or reorganization.

"Personnel ordinance" means Title 2, Chapter 2.72 of the El Monte Municipal Code, which contains the provisions concerning the personnel system for the City.

"Probationary period" means a working test period during which an employee is required to demonstrate fitness for the duties to which appointed by actual performance of the duties of the position.

"Promotion" means the movement of a regular employee from one class to another with a higher rate of pay.

"Promotional examination" means an examination for a particular class, admission to the examination being limited to regular employees in the competitive service and hourly employees.

ited to regular employees in the competitive service and hourly employees.

"Promotional list" means an employment list resulting from a promotional examination.

"Reduction" means a salary decrease within the limits of the pay range established for a class. Reduction in step within range as a disciplinary measure is the withdrawal of increments granted. The maximum reduction in pay that may be given for any one disciplinary action shall be two (2) steps within the range for that class. Reduction in pay shall become effective on the first of the pay period following the effective date of the disciplinary action. Reduction may be made on a temporary or permanent basis.

"Regular employee" means an employee who has successfully completed the probationary period and has been retained as hereafter provided in these rules.

"Reinstatement" means the reemployment without examination of a former regular employee within two years following resignation from the City service to a vacant position. Such action must have the approval of the Department Head and the Human Resources Officer.

"Rejection" means the separation of an employee from the service during the probationary period without cause.

"Resignation, voluntary and implied" means:

A. Voluntary. Termination of employment of an employee made at the request of the employee.

B. Implied. Termination of employment in accordance with the implied resignation clause of the governing Memorandum of Understanding.

"Safety employees" means uniformed members of the Police Department whose official duties, in the protection of life and property, qualify them as "Safety Members," under the California Public Employees' Retirement System.

"Seniority" means an employee's length of continuous, regular service since his/her last date of hire, less any adjustments due to layoff or other breaks in service. Ties are to be broken by a lottery conducted by the Human Resources Officer. Seniority shall be terminated when a regular employee resigns; is discharged in accordance with these rules; is absent without authorization as outlined in the governing Memorandum of Understanding or is laid off and fails to report to work in accordance with the lay-off provisions of these rules.

"Sick leave" means absence because of illness, injury, exposure to contagious disease, attendance on a sick member of the employee's immediate family, death in the immediate family, or doctor and dental appointments.

"Suspension" means the temporary removal of a regular employee from the payroll for disciplinary purposes.

"Temporary appointment" means an appointment of a person not on the eligible list who possesses the minimum qualifications established for a particular class and who has been appointed to a position in that class on other than a probationary or regular basis.

"Written reprimand" means written reprimand as a disciplinary action means an official notification to the employee that there is cause for dissatisfaction with the employee's conduct or performance and that further disciplinary action may be taken if said cause is not corrected. Written reprimand shall be made a part of the employee's official personnel record and may be considered as pertinent evidence in any appeal hearing. Upon request of the employee, letters of reprimand shall be removed from the personnel file after two (2) years providing the letters have not led to other discipline as defined herein. (Ord. 2579 § 2, 2003)

2.72.030 General provisions.

A. Violation of Rules. Violation of the provisions of these Rules and Regulations shall be grounds for discipline.

B. Supervision by Department Heads. Department Heads shall be responsible for effective supervision of their employees as well as for maintenance of appropriate working relationships. Department Heads shall notify the Human Resources Officer immediately of changes in the assignment of duties to employees.

C. Departmental Rules. No Departmental Rules may be adopted or administered that are inconsistent with these Personnel Rules and Regulations.

D. Disclosure of Religious or Political Affiliations. No question in any test, in any application form, or in any other personnel proceedings, or by any appointing authority, shall be so framed as to attempt to elicit information concerning political or religious opinions or affiliations of an applicant or employee. No appointment to or removal from a position in the competitive service shall be affected or influenced in any manner by any political or religious opinion or affiliation.

E. Gratuities and Gifts. Because the very nature of service rendered by a municipal employee requires unimpeachable public trust, confidence and impartiality of service by each and every employee, it is the City's policy, consistent with effective public relations, that no employee shall accept a personal gift of such value as will place the employee under obligation to the donor.

F. Personal Telephone Calls. The telephones provided by the city are for use in conducting city business. The use of these telephones during business hours for personal calls, either outgoing or incoming, is not strictly

prohibited, but such calls shall be kept to a minimum so as not to overload the existing lines and retard essential city business. Toll calls of a personal nature should not be made on city telephones except in extreme emergencies and with prior approval by the Department Head.

G. Grand Jury Testimony. The refusal of any employee to appear when subpoenaed before the County Grand Jury in a County Grand Jury investigation of governmental bribery or misconduct in public office shall constitute good and sufficient ground for discipline.

H. Employee Responsibility for Correct Personnel Information. It shall be the responsibility of each employee to keep the city advised concerning his/her marital status, number of dependents, his correct address and telephone number on forms prescribed by the city.

I. Loyalty Oath. Upon appointment, but prior to reporting for duty, a new employee shall be required to take the loyalty oath to be administered by the City Clerk or other duly authorized person. The oath shall be in a form required by the California Constitution.

J. Official Duties Outside of State. Where an employee's official duties requires his/her absence outside of the State of California, approval shall be given by the City Council prior to such departure. This section shall not apply to safety members in the performance of their regular duties.

K. Amendment and Revision of Rules. Recommendations for amendment and revisions of these Rules may be made by the Human Resources Officer. Prior to consideration, any amendment or revision shall be publicly posted at such places as the City Council shall prescribe, for at least five consecutive days together with notice of the time, place and date of hearings by the City Council. Amendments and revisions shall become effective upon adoption by the City Council following meeting and conferring with the authorized bargaining units, if any, and public comment. Prior to consideration, the authorized bargaining units shall receive notice of any revision of those Rules which are substantive changes of wages, hours and terms and conditions of employment and be given the opportunity to meet and confer on these revisions. (Ord. 2579 § 3, 2003)

2.72.040 Classification.

A. Preparation of Plan. The Human Resources Officer, or a person or agency employed for that purpose, shall ascertain and record the duties and responsibilities of all positions in the competitive service and, after consultation with appointing powers and Heads of Departments affected, shall recommend a classification plan for such positions. The classification plan shall consist of classes of

positions in the competitive service defined by class specifications, including title, a description of typical duties and responsibilities of positions in each class, a statement of the training, experience and other qualifications to be required of applicants for positions in each class. The classification plan shall be so developed and maintained that all positions substantially similar with respect to duties, responsibilities, authority, and character of work are included within the same class, and that the same schedules of compensation may be made to apply with equity under like working conditions to all positions in the same class. Amendments and revisions shall become effective upon adoption by the City Council following meet and confer, if any, and public comment. Prior to consideration, the authorized bargaining units shall receive notice of any revision of these rules which are substantive changes of wages, hours and other terms and conditions of employment and be given the opportunity to meet and confer on these revisions.

B. Adoption of Plan. Before the classification plan or any part thereof shall become effective, it shall first be approved in whole by the City Council. Upon adoption by the Council, by resolution, the provisions of the classification plan shall be observed in the handling of all personnel actions and activities. The classification plan shall be amended or revised as occasion requires in the same manner as originally established.

C. Allocation of Positions. Following the adoption of the classification plan, the Human Resources Officer shall allocate every position in the competitive service to one or the classes established by the plan, same to be approved by the City Council.

D. New Positions. When a new position is created, before that position may be filled the appointing power shall notify the City Manager and the Human Resources Officer and, except as otherwise provided by ordinance or these Rules, no person shall be appointed or employed to fill any such position until the classification plan has been amended to provide therefore and an appropriate employment list has been established for such position.

E. Reclassification. Positions, the duties of which have changed materially so as to necessitate reclassification, shall be allocated by the Human Resources Officer to a more appropriate class, whether new or already created, in the same manner as originally classified and allocated. Reclassifications shall not be used for the purpose of avoiding restrictions surrounding demotions and promotions.

F. Amending the Classification Plan. The Human Resources Officer may recommend the creation of new

classes and the revision and abolishment of existing classes. (Ord. 2579 § 4, 2003)

2.72.050 Compensation.

A. Preparation of the Plan. The Human Resources Officer or the person or agency employed for that purpose shall prepare a pay plan covering all classes of positions in the competitive service, showing the minimum and maximum rates of pay. In arriving at such salary ranges, consideration shall be given to prevailing rates of pay for comparable work in other public and in private employment, including consideration of conditions of work as well as basic pay; to current costs of living; to the ability to recruit and retain employees; to internal alignment between classes; to suggestions of Department Heads; and to the city's financial condition and policies. The Human Resources Officer or the person or agency employed for that purpose shall thereafter make such further studies of the compensation plan as may be requested by the City Council.

B. Adoption of the Plan. The Human Resources Officer shall submit the proposed pay plan to the City Council. The Council shall adopt or amend and adopt the proposed plan. Thereafter, no position shall be assigned a salary higher than the maximum or lower than the minimum salary provided for that class of position unless the salary schedule for the class is amended in the same manner as herein provided for its adoption. (Ord. 2579 § 5, 2003)

2.27.060 Applications and Applicants.

A. Announcement. All examinations for classes in the competitive service shall be published by posting announcements in the City Hall, on official bulletin boards, and in such other places as the Human Resources Officer deems advisable at least ten (10) calendar days prior to the closing date fixed for filing an application form. The announcements shall specify the title and pay range of the class for which the examination is announced; the nature of the work to be performed; preparation desirable for the performance of the work of the class; the dates, time, place and manner of making applications; and other pertinent information.

B. Application Forms. Applications shall be made on forms provided by the Human Resources Office. Such forms shall require information covering training, experience, and other pertinent information, and may include certificates, references and fingerprinting. All applications must be signed by the applicant.

C. Disqualification. The Human Resources Officer shall reject any application which indicates on its face that

the applicant does not possess the minimum qualifications required for the position. Applicants also shall be rejected if:

1. The applicant has made false statements of any material fact, or practiced any deception or fraud on the application, declarations or in securing eligibility or appointment;
2. The applicant is found to lack any of the certifications for the position involved;
3. The applicant is physically or psychologically unfit for the performance of the position duties, and cannot be reasonably accommodated, including, but not limited to, impairment caused by current abuse of alcohol;
4. The applicant has been convicted of a crime, either a misdemeanor or felony, that relates to the position duties;
5. The applicant used or attempted to use political pressure or bribery to secure an advantage in the examination or appointment;
6. The applicant failed to submit the employment application correctly or within the prescribed time limits.
7. For any material cause, which in the judgment of the Human Resources Officer would render a new applicant unfit for the position. This paragraph shall not apply to current regular employees of the city.
8. The Human Resources Officer may also reject a new applicant or limit the number of new applicants to be examined if a large number of applicants closely meet the requirements of the position.

D. Notice of Rejection of Application. Applicants who are rejected, will be notified by the Human Resources Officer. The Human Resources Officer may permit an applicant to make minor corrections on an application on file, provided that the time limit for receiving applications has not expired.

E. Appeal Procedure. If the applicant is rejected, the applicant can appeal the rejection to the Human Resources Officer within five (5) working days of notice. The Human Resources Officer shall review the appeal and affirm the rejection or reinstate the applicant. The Human Resources Officer's decision is final. (Ord. 2579 § 6, 2003)

2.72.070 Examinations.

A. Nature and Types of Examinations. The selection techniques used in the examination process shall be impartial, of a practical nature and shall relate to those subject which, in the opinion of the Human Resources Officer, fairly measure the relative capacities of the persons examined to execute the duties and responsibilities of the class to which they seek to be appointed. Examinations shall consist of such recognized personnel selection techniques

as achievement tests, aptitude tests, evaluation of personality and background through personal interviews, performance tests, evaluation of daily work performance, work samples, or physical agility tests or any combination of them.

B. Promotional Examinations. Promotional examinations may be conducted whenever, in the opinion of the Human Resources Officer, the needs of the service make promotional examinations necessary or advisable. Promotional examinations may include any of the selection techniques mentioned in Section 2.72.070(A) of these rules, or any combination of them. Only regular, hourly or probationary employees who meet the requirements set forth in the promotional examination announcements may compete in promotional examinations.

C. Conduct of Examinations. The Human Resources Officer shall determine the manner and methods and by whom examinations shall be prepared and administered and shall publish the weights and methods of selection in the job announcement. The city may contract with any competent agency or individual for the performance by such agency or individual of the responsibility for preparing and administering examinations. In the absence of such a contract, the Human Resources Officer shall perform such duties. The Human Resources Officer shall arrange the use of public buildings and equipment for the conduct of examinations and shall render such assistance as shall be required with respect thereto.

D. Scoring Examinations and Qualifying Scores. A candidate's score in a given examination shall be the average of his/her scores on each competitive part of the examination, weighted as determined by the Department Head and the Human Resources Officer. Failure in one part of the examination may be grounds for declaring such applicant as failing the entire examination or as disqualified for subsequent parts of an examination. The Human Resources Officer may, at his/her discretion, include as a part of the examination tests which are qualifying only.

E. Notification of Assembled Examination Results and Review of Papers. Each promotional candidate in an assembled examination shall be given written notice of the results thereof, of his/her final earned score and, if successful, rank on the employment list. Any promotional candidate shall have the right to request that the Human Resources Officer re-examine his or her assembled examination papers within fifteen (15) days after the notices of examination results were mailed. Any error in computation, if called to the attention of the Human Resources Officer within this period, shall be corrected. (Ord. 2579 § 7, 2003)

2.72.080 Employment lists.

A. Employment Lists. As soon as possible after the completion of an examination, the Human Resources Officer shall cause to be prepared and shall certify an employment list consisting of the names of candidates who qualified in the examination.

B. Banding of Applicants. Successful applicants will be ranked according to their final scores and placed into Bands I, II or III on the eligibility list.

1. Band I will be comprised of those applicants who receive scores of ninety (90) percent or higher during the recruitment period taking into account the standard error of measurement.

2. Band II will be comprised of those applicants who receive scores of at least eighty (80) percent but less than ninety (90) percent during the recruitment period taking into account the standard error measurement.

3. Band III will be comprised of those applicants who receive score of at least seventy (70) percent but less than eighty (80) percent during the recruitment period taking into account the standard error of measurement.

4. As positions become available, the department will select new hires from the eligibility list for that job category. At least three candidates from Band I will be selected for further interview and evaluation. If fewer than three persons appear in Band I at the time the vacancy is to be filled, the department will select enough individuals from Band II to provide for an applicant pool of at least three individuals to be further interviewed and evaluated. If a total of fewer than three candidates appear in Bands I and II at the time the vacancy is to be filled, the department will select enough individuals from Band III to provide for an applicant pool of at least three individuals to be further interviewed and evaluated. The department may hire any of three interviewees, irrespective of their competitive scores. All offers will be contingent upon the successful completion of a medical examination.

C. Duration of Employment Lists. Employment lists shall become effective upon certification and shall remain in effect for one year, unless sooner exhausted, or unless the Human Resources Officer determines that the list should be extinguished. The lists may be extended, prior to their expiration dates, by action of the Human Resources Officer for additional six-month periods, but in no event shall an employment list remain in effect for more than two years.

D. Re-employment Lists. The names of probationary and regular employees who have been laid off shall be placed on appropriate re-employment lists in the order of their seniority, from highest to lowest. Such names shall remain thereon for a period of three years unless such per-

sons are sooner re-employed. Prior to using any other employment lists, the appropriate re-employment list shall first be exhausted to fill vacancies. The Human Resources Officer shall certify from the top of such list the number of names equal to the number of vacancies to be filled, and the appointing power shall appoint such persons to fill the vacancies.

E. Removal of Names From Lists. The names of any persons appearing on an employment, re-employment or promotional list shall be removed by the Human Resources Officer if the eligible requests in writing that his/her name be so removed, or if he/she fails to respond to a notice of certification mailed to his/her last known address, or if he/she has been certified for appointment three times and has not been appointed. The person so removed shall be notified of the removal of his/her name by a notice mailed to the last known address. The names of persons on promotional employment lists who resign from the service shall automatically be removed from such lists. All such notices shall be sent by certified mail (return receipt requested).

F. Appointment. After interview and investigation, the appointing power shall make appointments from among those certified, and shall immediately notify the Human Resources Officer of the person or persons appointed. The Human Resources Officer shall thereupon notify the person appointed, and if the applicant accepts the appointment and presents himself/herself for duty within such period of time as the appointing power shall prescribe, he/she shall be deemed to be appointed; otherwise, he/she shall be deemed to have declined the appointment.

G. Temporary Appointments. A temporary appointment may be made by the City Manager of a person meeting the minimum education, experience or training requirements. Temporary appointments extending for a period exceeding three (3) weeks shall be submitted to the City Council for confirmation and approval. An employment list shall be established within ninety (90) days for any position filled by a temporary appointment. No special credit shall be allowed in meeting any qualification or in the giving of any test or the establishment of any employment or promotional lists for services rendered under a temporary appointment.

H. Emergency Appointments. To meet the immediate requirements of an emergency condition, such as extraordinary fire, flood, earthquake or war, the City Council may employ such persons as may be needed for the duration of the emergency without regard to the personnel ordinance or rules affecting appointments.

I. Nepotism Prohibited for Non-safety Employees.

1. No person shall be appointed or promoted to a probationary or permanent position in any department in which such person's relative already holds a position, when such employment would result in a supervisor - subordinate relationship. For the purpose of this section, a supervisorial relationship shall be defined as one in which one person exercises the right to control, direct, reward or punish another person by virtue of the duties and responsibilities assigned to his or her position.

2. For purposes of this section, "relative" is defined in Section 2.72.020(P), as amended.

3. If a city employee marries another person employed by the city within the same department, both employees shall be allowed to retain their respective positions provided that a supervisorial relationship does not exist at the time of marriage between these two positions. During the period of employment, no supervisorial relationship shall exist between the two employees.

4. The city also retains the right to refuse to place both relatives or spouses in the same department, division or facility where such has the potential for creating adverse impact on supervision, safety, security or morale or involves conflicts of interest.

5. Where the above circumstances exist and mandate that two spouses or relatives shall not work in a prohibited relationship, the City Manager will attempt to transfer one spouse or relative to a similar classified position in another city department. Although the wishes of the involved parties as to which person is to be transferred will be given consideration by the city, the controlling factor in determining which person is to be transferred shall be the positive operation and efficiency of the city.

6. If continuing employment of two relatives or spouses cannot be accommodated consistent with the city's interest in promotion of safety, security, morale and efficiency, then the city may separate one spouse or relative from city employment.

J. Nepotism Prohibited for Safety Employees.

1. No person shall be appointed or promoted, by probationary or permanent appointment, to a position in any department in which any member of such person's immediate family as defined in Section 2.72.020(P) (except a brother-in-law or sister-in-law) already holds a position in the city employ under a probationary or regular appointment. (*City of El Monte Resolution No. 4156*).

2. If a safety employee marries another person employed by the city in the same department, both employees shall be allowed to retain their respective positions provided that a supervisorial relationship does not exist between the two employees. During the period of employ-

ment, no supervisory position shall exist between the two employees. For the purposes of this section, a supervisorial relationship shall be defined as one in which one person exercises the right to control, direct, reward, or punish another person by virtue of the duties and responsibilities assigned to his/her position. (*City of El Monte Resolution No. 4151*).

3. If two members of an immediate family, as defined in Part 2.72.020(P) (except brother-in-law or sister-in-law), become members of one department solely by reason of the merger of two or more of such departments, neither employee of such immediate family shall thereby be deprived of his position with the city, provided however, that neither member of such immediate family holds any position in such department under either a probationary or permanent appointment. (*City of El Monte Resolution No. 4156*). (Ord. 2579 § 8, 2003)

2.72.090 Probationary period.

A. Regular Appointment Following Probationary Period. All original and promotional appointments shall be tentative and subject to a probationary period of not less than six (6) months of continuous service. The City Manager may, by after meeting and conferring with the authorized bargaining unit, establish a longer probationary period for specified classes. All original appointments for safety employees shall be tentative and subject to a probationary period of not less than twelve (12) months of continuous service. Periods of time on unpaid leave exceeding twenty (20) days shall not be counted toward completion of the probationary period. The probationary period shall be automatically extended by the number of days the employee is on leave. All promotional appointments for safety employees shall be tentative and subject to a probationary period of not less than six (6) months of continuous service. The Human Resources Officer shall notify the appointing power and the probationer concerned two (2) weeks prior to the date of termination of any probationary period. If the service of the probationary employee has not been satisfactory to the Department Head, then the Department Head shall file with the Human Resources Officer a statement in writing to such effect and stating that the retention of such employee in the service is not desired. If such a statement is not filed, the employee will be deemed satisfactory and his/her employment status shall be changed to regular. Notification of probationary rejection must be made to the employee prior to the expiration of the employee's probationary period.

B. Objective of Probationary Period. The probationary period shall be regarded as a part of the testing process and shall be utilized for closely observing the employee's

work, for securing the most effective adjustment of a new employee to his/her position, and for rejecting any probationary employee whose performance does not meet the required standards of work.

C. **Rejection of Probationer.** During the probationary period an employee may be rejected at any time by the appointing power without cause. Notification of rejection in writing shall be served by the Human Resources Officer on the probationer prior to the end of the probationary period and a copy retained by the Human Resources Officer. The probationer shall have the right within ten (10) days to discuss his/her rejection with the Department Head, whose decision shall be final.

D. **Rejection Following Promotion.** Any employee rejected during the probationary period following a promotional appointment, by reason of failure to satisfactorily complete the probationary period shall be reinstated to the position from which the employee was promoted unless there is a basis for dismissing the employee for cause as provided herein. (Ord. 2579 § 9, 003)

2.72.100 Attendance and leaves.

A. **Annual Vacation Leave.** The purpose of annual vacation leave is to enable each regular employee annually to return to work mentally refreshed. All employees in the competitive service shall be entitled to annual vacation leave with pay in accordance with the appropriate governing Memorandum of Understanding. Each eligible employee shall be entitled to take his/her vacation as it is accrued. (The times during a calendar year at which an employee may take his/her vacation shall be determined by the Department Head with due regard for the wishes of the employee and particular regard for the needs of the city; and the times when a Department Head may take his/her vacation shall be determined by the City Manager with due regard to the employee and particular regard to the needs of the city; and the times during the calendar year at which the City Manager may take their vacations shall be determined by the City Council with due regard to the employee and particular regard for the needs of the city).

B. **Sick Leave.** Sick leave with pay shall be granted by the appointing power in accordance with the appropriate governing Memorandum of Understanding. All employees in the competitive service shall be entitled to sick leave privileges except the following:

1. Employees still serving the first six (6) months' of their original probationary period in the service of the city. However, sick leave credits for such time will continue to accrue and may be used after the first six (6) months of uninterrupted employment.

C. **Combined Salary and Compensation for Injury on Duty.** Whenever any regular non-safety employee is disabled in accordance with the workers' compensation statutes, whether temporarily or permanently, by injury or illness arising out of and in the course of that person's duties, the employee shall become entitled, regardless of that person's period of service with the city, to leave of absence while so disabled without loss of salary in lieu of temporary disability payments, or maintenance allowance payments, if any, which would be payable for the period of the disability, but not exceeding one year, or until such earlier date as the unit member is retired on disability pension or would be retired for disability pension if eligible under PERS requirements. A unit member so disabled may use no other kind of accrued leave during the period of disability. No leave of absence may commence after resignation, whether voluntary or involuntary. All authorized deductions will continue as though the unit member was in regular work status.

D. **Military Leave.** Military leave shall be granted in accordance with the provisions of Section 395 of the Military and Veterans Code. All employees entitled to military leave shall give the appointing power an opportunity within the limits of military regulations to determine when such leave shall be taken.

E. **Leave of Absence.** The City Manager may grant a regular employee leave of absence with or without pay not to exceed one year. No such leave shall be granted except upon written request of the employee. Approval shall be in writing and a copy filed with the Human Resources Officer. Upon expiration of a regularly approved leave, or within a reasonable period of time after notice to return to duty, the employee shall be reinstated in the position held at the time leave was granted. Failure on the part of an employee on leave to report promptly at its expiration, or within a reasonable time after notice to return to duty, shall be cause for discipline.

F. **Hours of Work.** All offices of the city, except those for which special regulations are required, shall be kept open for business on all days outlined in the appropriate governing Memoranda of Understanding or in accordance with regulations prepared by the appropriate Department Head.

G. **Attendance.** Employees shall be in attendance at their work in accordance with the rules regarding hours of work, holidays, and leaves. All departments shall keep daily attendance records of employees which shall be reported to the Human Resources Officer in the form and on the dates specified. Failure on the part of an employee, absent without leave, to return to duty within twenty-four (24) hours after notice to return shall be cause for immedi-

ate discharge, and such employee automatically waives all rights under the Personnel Ordinance and Rules.

H. Holidays. All probationary and permanent regular employees employed on a weekly, semi-monthly or monthly pay basis shall be entitled to holidays with pay in accordance with the appropriate governing Memorandum of Understanding.

1. No employee shall be entitled to compensation for any holiday herein specified unless such an employee has been employed by the city on the day preceding and the day following such holiday. Employees who are on voluntary, unpaid leave on the day preceding or the day after the holiday shall not receive holiday pay.

I. Maternity Leave. Maternity leave shall be granted in accordance with Government Code Section 12945(b)(2), as amended. As currently written, state law requires the city to provide up to four (4) months leave of absence for pregnancies, childbirth or related medical conditions upon medical certification of a pregnant employee's inability to continue working (i.e., disability). Maternity leave as defined in this section is in addition to the leave requirements of the Family Medical Leave policy as outlined in the following section.

J. Family Medical Leave.

1. Statement of Policy. In accordance with the Federal Family and Medical Leave Act (FMLA) and the California Family Rights Act (CFRA) the City of El Monte will provide family and medical care leave for eligible employees, as defined.

2. Definitions.

a. "12-Month Period" means a rolling 12-month period measured backward from the date leave is taken and continuous with each additional leave day taken.

b. "Child" means a child under the age of 18 years of age, or 18 years of age or older who is incapable of self-care because of a mental or physical disability. An employee's child is one for whom the employee has actual day-to-day responsibility for care and includes, a biological, adopted, foster or step-child.

c. "Serious health condition" means an illness, injury impairment, or physical or mental condition that involves:

i. Any period of incapacity or treatment in connection with or in consequent to a hospital, hospice or residential medical care facility;

ii. Any period of incapacity requiring absence from work of more than three (3) calendar days, that also involves continuing treatment by (or under the supervision of) a health care provider;

iii. Continuing treatment of a health care provider for a chronic or long term health condition that is incurable or

so serious that, if not treated, would likely result in a period of incapacity of more than three (3) calendar days; or

iv. Prenatal care by a health provider.

d. "Continuing treatments" means:

i. Two (2) or more visits to a health care provider;

ii. Two (2) or more treatments by a health care practitioner (e.g. physical therapist) on referral from, or under the direction of a health care provider or;

iii. A single visit to a health care provider that results in a regimen of continuing treatment under the supervision of the health care provider (e.g. medication therapy).

3. Reasons for Leave. Leave is only permitted for the following reasons:

a. The birth of a child or to care for a newborn of an employee;

b. The placement of a child with an employee in connection with the adoption or foster care of the child;

c. Leave to care for a child, parent, or a spouse who has a serious health condition; or

d. Leave because of the serious health condition that makes the employee unable to perform the functions of his/her position.

4. Employees Eligible for Leave. An employee is eligible for leave if the employee has been employed for at least six (6) calendar months.

5. Amount of Leave. Eligible employees are entitled to a total of four hundred eighty (480) hours of leave in any twelve (12) month period. An employee's entitlement to leave for the birth or placement of a child for adoption or foster care expires twelve (12) months after the birth or placement.

6. Employee Benefits While on Leave. Leave under this policy is unpaid. While on leave, employees will continue to be covered by the City of El Monte's group health insurance to the same extent that coverage is provided while the employee is on the job. Employees may make the appropriate contributions for continued coverage under the preceding benefit plans by payroll deductions or direct payments made to these plans. Employee contribution rates are subject to any change in rates that occurs while the employee is on leave.

7. Substitution of Paid Accrued Leaves. If an employee requests leave for any reason permitted under this policy, he/she must exhaust all accrued leaves (except sick leave) in connection with the leave. The exhaustion of accrued leave will run concurrently with the leave under this policy. If an employee requests leave for his/her own serious health condition, in addition to exhausting accrued leave, the employee must also exhaust sick leave.

8. Medical Verification. Employees who request leave for their own serious health condition or to care for a

child, parent or a spouse who has a serious health condition must provide written certification from the health care provider of the individual requiring care. If the leave is requested because of the employee's own serious health condition, the certification must include a statement that the employee is unable to perform the essential functions of his/her position.

a. If the City of El Monte has reason to doubt the validity of a certification, the city may require a medical opinion of a second health care provider chosen by the city. If the second opinion is different from the first, the city may require the opinion of a third provider jointly approved by the city and the employee. The opinion of the third provider will be binding.

b. If an employee requests leave intermittently (a few days or hours at a time) or on a reduced leave schedule to care for an immediate family member with a serious health condition, the employee must provide medical certification that such leave is medically necessary. "Medically necessary" means there must be a medical need for the leave and that the leave can be best accomplished through an intermittent or reduced leave schedule.

9. Employee Notice of Leave. Although the City of El Monte recognizes that emergencies arise which may require employees to request immediate leave, employees are required to give as much notice as possible of their need for leave. If leave is foreseeable, at least thirty (30) days notice is required. In addition, if an employee knows that he/she will need leave in the future, but does not know the exact date(s) (e.g. for the birth of a child or to take care of a newborn), the employee shall inform his/her supervisor as soon as possible that such leave will be needed. If the city determines that an employee's notice is inadequate or the employee knew about the requested leave in advance of the request, the city may delay the granting of the leave until it can, in its discretion adequately cover the position with a substitute.

10. Reinstatement Upon Return from Leave. Upon expiration of leave, an employee is entitled to be restored to the position of employment held when the leave commenced, or to an equivalent position.

11. As a condition of restoration of an employee whose leave was due to the employee's own serious health condition, which made the employee unable to perform his/her job, the employee must obtain and present a fitness-for-duty certification from the health care provider that the employee is able to work. Failure to provide such certification will result in denial of restoration.

12. Employees must fill out the applicable forms in connection with leave under this policy.

K. Police Department Holidays. The Police Department, being a safety department of city government, and working twenty-four hours per day, three hundred sixty-five (365) days per year, is unable to take allowed holidays in the conventional manner. Therefore, holidays will be governed by the appropriate governing Memorandum of Understanding. (Ord. 2579 § 10, 2003)

2.72.110 Pay adjustments.

A. Application of Rates. Employees occupying a position in the competitive service shall be paid a salary or wage within the range established for that position's class under the pay plan as provided by Section 2.72.050. The minimum rate for the class generally shall apply to employees upon original appointment. However, the appointing power may, when circumstances warrant it, appoint at other than the first step. Lateral transfers shall not affect an employee's salary rate.

B. Acting Pay. Shall be governed by the appropriate governing Memorandum of Understanding. (Ord. 2579 § 11, 2003)

2.72.120 Transfer, promotion, demotion, suspension and reinstatement.

A. Transfer. After notice to the Human Resources Officer, an employee may be transferred by the appointing power at any time from one position to another position in the same or comparable class. If the transfer involves a change from the jurisdiction of one supervising official to another, the incoming department head must consent thereto unless the appointing power orders the transfer for purposes of economy or efficiency. Transfer shall not be used to effectuate a promotion, demotion, advancement, or reduction, each of which may be accomplished only as provided in the personnel ordinance and in these rules. No person shall be transferred to a position for which he/she does not possess the minimum qualifications.

1. An employee may also initiate a transfer to another position in the same or lower classification at the same or a lower salary for which they are qualified. To accomplish such a transfer the employee must apply to the Human Resources Office. With the approval of the Department Head for whom the employee requests to work, the employee shall be transferred when the first vacancy occurs.

B. Promotion. It is the policy of the City of El Monte to develop the skills of current employees and to promote from within. However, if promotion from within would perpetuate adverse impact against classes protected by federal or state law, or if current employees are not sufficiently qualified to perform the current essential functions

of the vacant position, the appointing authority after consulting with the Human Resources Officer, may call for an open, competitive examination.

C. Demotion. The appointing power may demote a regular employee whose performance falls below standard, or for other disciplinary purposes. No employee shall be demoted to a position for which the employee does not possess the minimum qualifications. Written notice of the demotion shall be given to the employee fourteen (14) calendar days prior to the effective date of the demotion and a copy shall be filed with the Human Resources Officer. In all cases of involuntary demotion, the appointing power shall follow the procedures set forth in Section 2.72.140. Any regular employee may request voluntary demotion to any vacant position for which he/she is qualified.

D. Reinstatement. An employee who has resigned with a good record shall be reinstated within two years to his/her former position, if vacant, or to a position in the same or comparable class. If the employee is reinstated within thirty (30) calendar days, the employee is eligible for restoration of all unpaid benefits, however, the employee's anniversary date will be set forward one month. (Ord. 2579 § 12, 2003)

2.72.130 Non disciplinary separation from the service.

A. Lay-off. The appointing power may abolish a position within a class in the competitive service because of lack of work or lack of funds, which, in turn, may require the layoff of one or more employees. When a position within a class is abolished thereby necessitating a layoff, the following procedures shall be followed:

1. An employee shall be ranked by classification grouping in accordance with his/her appointment to the specific classification. Groupings in descending order are:

a. Police classification grouping (ranked from highest compensated to least compensated. Refer to Appendix I).

b. Miscellaneous classification grouping (ranked from highest compensated to least compensated. Refer to Appendix I).

2. Position reductions within classification groupings shall be in inverse classification seniority order with the least senior employee appointed to the classification affected first.

3. An affected employee shall be allowed to displace a less senior employee within any equal or descending classification within his/her grouping by an exercise of city seniority, providing such displacing employee is fully qualified to perform the essential functions of the dis-

placed employee. No training other than familiarization/orientation shall be conducted by the city. An employee failing to qualify after displacing a less senior employee by an exercise of city seniority shall be laid off.

4. An employee who, by an exercise of city seniority, displaces a less senior employee shall be compensated at the step in the new classification equal to or closest to his/her present step rate of pay provided that no increase in base pay results.

5. An employee last holding a position of higher rank shall have first opportunity, by classification seniority to revert to a position classification formerly held whether such employee is temporarily displaced within the classification grouping or separated from the city through voluntary layoff.

6. An employee laid off by the city by the above reduction in force procedure shall be recalled in accordance with city seniority to a position within his/her former classification grouping, which he/she is qualified to perform. Recall shall be by certified mail, return receipt requested.

7. No person outside the competitive service (with the exception of the City Manager) shall be assigned to perform the essential functions of a position from which a regular employee was laid off, for more than sixty (60) days. Whenever possible the city shall lay off employees outside the competitive service before any layoffs of regular employees.

B. Resignation. An employee wishing to leave the competitive service in good standing shall file with the supervising official at least two (2) weeks before leaving the service, a written resignation stating the effective date and reasons for leaving. The resignation shall be forwarded to the Human Resources Officer with a statement by the appointing power or Department Head as to the resigned employee's service performance and other pertinent information concerning the cause for resignation. Failure to comply with this rule shall be entered on the service record of the employee and may be cause for denying future employment by the city. The resignation of an employee who fails to give notice shall be reported to the Human Resources Officer by the Department Head immediately. (Ord. 2579 § 13, 2003)

2.72.140 Disciplinary actions.

A. Cause and Extent. Disciplinary action may be taken against a regular employee for cause. The extent of the disciplinary action taken shall be commensurate with the offense, and the prior employment history of the employee. Exempt employees, outside the competitive ser-

vice, serve at the will of the appointing power and may be disciplined at any time without cause or rights of appeal.

B. Kinds of Action. The disciplinary actions that may be taken are dismissal, demotion, suspension, reduction in step within a range, written reprimand or any appropriate combination of these.

C. Grounds for Disciplinary Action. Disciplinary action may be taken for any cause, which may include, but not be limited to the following, insofar as they relate to the employee's ability to perform the functions required by employment with the city:

1. Fraud in securing employment or making a false statement on an application for employment.
2. Incompetence, i.e., failure to comply with the minimum standard of an employee's position for a significant period of time.
3. Inexcusable inefficiency or neglect of duty, i.e., failure to perform duties required of an employee within his/her position.
4. Willful disobedience and insubordination, a willful failure to submit to duly appointed and acting supervision or to conform to duly established orders or directions of persons in a supervisory position.
5. Dishonesty, involving employment.
6. Being under the influence of alcohol or illegal drugs or narcotics while on duty.
7. Excessive absenteeism.
8. Inexcusable absence without leave.
9. Abuse of sick leave, i.e., taking sick leave without a doctor's certificate when one is required, or misuse of sick leave.
10. The conviction of either a misdemeanor or a felony involving moral turpitude shall constitute grounds for discipline of any employee. The record of conviction shall be conclusive evidence only of the fact that the conviction occurred. The Human Resources Officer and/or appointing power may inquire into the circumstances surrounding the commission of the crime in order to fix the degree of discipline.
11. Discourteous treatment of the public or a co-worker.
12. Improper or unauthorized use of city property.
13. Violation of the rules and regulations published and posted in any department.
14. Refusal to subscribe to any oath or affirmation which is required by law in connection with city employment.
15. Any willful act of conduct related to the employee's fitness for duty undertaken in bad faith, either during or outside of duty hours which is of such a nature

that it causes discredit to the city, the employee's department or division.

16. Inattention to duty, tardiness, indolence, carelessness or negligence in the care and handling of city property.

17. Mental or physical infirmity or defects which render the employee unfit for the proper performance of his duties if no reasonable accommodation can be made.

18. Outside employment that interferes with the employee's performance of his/her city duties and which is not specifically authorized by the appointing power or City Manager. Prior to the imposition of any discipline under this provision, the employee will first be afforded the opportunity to give up the outside employment or modify it in a manner acceptable to the city.

19. The refusal of any employee of the city to appear when subpoenaed under oath before any Grand Jury having jurisdiction over any then pending cause or inquiry in which the investigation of government bribery or misconduct in city office is involved, shall constitute of itself sufficient ground for the discipline of such city employee.

20. Willful violation of any of the provisions of the ordinances, resolutions or any rules, regulations or policies which may be prescribed by the City Council or City Manager.

21. Improper political activity. Example: Those campaigning for the election or non-election of any candidate in national, state, county or municipal elections while on duty or in a city uniform on or off duty; or the dissemination of political material of any kind while on duty or in uniform.

a. Activities not affected. Nothing in these rules and regulations shall be construed to prevent any employee from becoming or continuing to be a member of a political club or organization, or from attendance at a political meeting, or from enjoying entire freedom from all interference in casting his/her vote or from seeking or accepting election or appointment to public office, provided however, that a person holding a position in the classified service must resign his/her position in the classified service upon being elected to the office of any elective office of the city.

D. Disciplinary Action, Authority to Take.

1. The City Manager shall have authority to take disciplinary action.

2. Department Heads and their designees are authorized to suspend for three (3) days or less, issue written reprimands and verbal warnings of unsatisfactory performance to employees when indicated and recommend all other forms of disciplinary action.

3. The Human Resources Officer shall be notified of any contemplated disciplinary action prior to the time it is taken.

E. Procedures.

1. Notice of Intent. Whenever the appointing power intends to suspend, demote, decrease in pay or dismiss a regular employee, the appointing power shall give the employee a written Notice of Intent to Discipline which shall include the following:

- a. The disciplinary action intended;
- b. The specific charges upon which the action is based;
- c. A factual summary of the grounds upon which the charges are based;
- d. Notice of the employee's right to respond to the charges either orally or in writing to the appointing power;
- e. The employee's right to review and copy all the materials upon which the intended discipline is based;
- f. The date, time and person before whom the employee may respond within ten (10) days;
- g. A statement that the failure to respond at within the time specified in the Notice shall constitute a waiver of the right to respond prior to final discipline being implemented.

2. Final Notice. If, after the response or the expiration of the employee's time to respond to the Notice of Intent, the appointing power decides to proceed with the disciplinary action, a Final Notice shall be served upon the employee either in person or by certified mail which shall set forth the reasons for the discipline imposed, and the effective date thereof.

3. Removal of Employee from Duty. Where retention in active work status would be detrimental to the best interest of the city, the employee or other employees, the employee may be removed from duty immediately. However, such removal shall not cause the employee loss of pay or benefits.

4. Appeal for Employees.

a. Within ten (10) working days after service upon the employee of the final notice (fifteen (15) days if service is by certified mail), the employee may appeal the disciplinary action.

b. Every appeal shall be taken by way of written notice of appeal filed with the Human Resources Officer prior to the expiration of the appeal period.

c. An appeal shall contain a notice of the employee's intent to appeal, setting forth specific facts upon which the appeal is based, a specific reference to the disciplinary action upon which the appeal is taken and the nature of the relief sought. Every notice of appeal shall be signed by the employee or the employee's representative. If the em-

ployee will be represented during the appeal hearing, the employee shall identify his or her representative in the notice.

d. The City Manager, upon receipt of a timely appeal, which contains all of the required information, shall submit to the employee a list containing seven (7) names from the California State Mediation and Conciliation Office, one of whom shall act as Hearing Officer. The names shall be numbered consecutively.

e. Within ten (10) consecutive calendar days after service of the list containing the names, the employee and then the City Manager may alternate and strike one name from the list.

f. Upon expiration of the said ten (10) day period, the Hearing Officer shall be deemed for all purposes to be the Judge whose name appears on the list with the lowest number next to his or her name.

g. If no name remains on the list, another list of seven (7) new names shall be requested. Within ten (10) consecutive calendar days after service of the new list, the same process of alternate striking shall be followed. Upon expiration of said ten (10) day period, the Hearing Officer shall be deemed for all purposes to be the Judge whose name appears on the list with the lowest number next to his or her name.

h. If for any reason the person who is designated as Hearing Officer is unable or unwilling to serve as such, the name on the list with the next lower number and whose name was not stricken shall be Hearing Officer. In the event that none of those named on the list are unwilling or unable to serve as Hearing Officer, the City Manager shall prepare and submit a new list to the employee containing not less than seven (7) different names from the State Mediation and Conciliation Office. The above procedures shall be followed until a Hearing Officer is selected.

i. Notwithstanding the foregoing, the employee and the City Manager may mutually agree upon a qualified person to act as Hearing Officer.

j. The designated Hearing Officer shall set a time and place for the conduct of the de novo appeal hearing and shall give not less than fifteen (15) consecutive days notice thereof to the employee and to the appointing power.

k. Upon conclusion of the hearing, the Hearing Officer shall prepare findings of fact and a determination, which shall include all of the issues presented by the appeal. The Hearing Officer shall serve a copy of the proposed findings and determination upon the employee and upon the appointing power. The findings and determination made by the Hearing Officer shall be deemed final and conclusive unless the employee or City Manager files

a written appeal to the City Council within ten (10) consecutive calendar days following the service of the findings and determination upon the employee. Where a timely appeal is filed appealing the decision of the Hearing Officer to the City Council, a transcript of proceedings before the Hearing Officer shall be prepared which shall include all documents presented in evidence at the hearing, and including any document not accepted in evidence by determination of the Hearing Officer. The transcript together with the findings and determination of the Hearing Officer shall be transmitted to the City Council. The City Council shall set a time and a place for a hearing on the appeal from the decision of the Hearing Officer. The action of the City Council on the appeal shall be limited to a review of the transcript and the submission by the parties of written or oral arguments in support of and/or in opposition to the Hearing Officer's findings and determination. The City Council shall not accept any further evidence unless there is a showing of good cause that the evidence proposed to be presented was not available at the time of the hearing before the Hearing Officer through no fault of the party offering the same. The City Council may consider the evidence in such a case or may refer the matter to the Hearing Officer for a further review based upon the evidence involved.

l. The City Council shall act upon the appeal based upon the transcript and such written or oral arguments, which have been presented to it by the parties. The City Council may overturn the determination of the Hearing Officer; or accept the same; or modify it in whole or in part.

m. The action of the City Council shall be final and conclusive subject only to judicial review.

F. Hearing Procedure.

1. All hearings before the Hearing Officer shall be conducted de novo and shall be closed unless the employee requests in writing five (5) days before the hearing that the hearing be open.

2. Subpoenas and subpoenas duces tecum may be issued by either party and shall be enforced by the Hearing Officer.

3. The hearing need not be conducted in accordance with technical rules relating to evidence and witnesses. Any relevant evidence may be admitted if it is the sort of evidence on which reasonable persons are accustomed to rely in the conduct of serious affairs, regardless of the existence of any common law or statutory rules, which might make improper the admission of such evidence over objection in civil actions. Hearsay evidence may be used for the purpose of supplementing or explaining any direct evidence but shall not be sufficient in itself to support a finding unless it would be admissible over objection in civil

actions. The rules of privilege shall be effective to the same extent that they are now or hereafter may be recognized in civil and criminal actions and irrelevant and unduly repetitious evidence shall be excluded. The Hearing Officer shall not be bound by technical rules of evidence. The Hearing Officer shall rule on the admission or exclusion of evidence.

4. Each party shall have these rights: To be represented by legal counsel or other person of his or her choice; to call and examine witnesses; to introduce evidence; to cross-examine opposing witnesses on any matter relevant to the issues even though that matter was not covered in the direct examination; to suspend for reconsideration; to impeach any witness regardless of which party first called him or her to testify; and to rebut the evidence against him or her. If the employee does not testify in his or her own behalf, he or she may be called and examined as if under cross-examination. Oral evidence shall be taken only on oath or affirmation.

5. The hearing shall proceed in the following order, unless the Hearing Officer for good cause, otherwise directs:

a. The appointing power shall be permitted to make an opening statement;

b. The employee shall then be permitted to make an opening statement;

c. The appointing power shall produce evidence; the appointing power shall have the burden of proof and burden of producing evidence showing by a preponderance of the evidence the existence of facts which support the imposition of the discipline; and

d. The employee may then open his or her defense and offer his or her evidence in support thereof; the employee bears the burden of proof and the burden of producing evidence for any affirmative defenses asserted;

e. The parties may then, in order, respectively offer rebutting evidence only, unless the Hearing Officer for good reason, permits them to offer evidence upon their original case;

f. Closing arguments shall be permitted and written briefs may be permitted. The appointing power shall have the right to open the closing arguments followed by the employee. The appointing power then has a right to reply.

g. The Hearing Officer shall determine relevancy, weight, and credibility of testimony and evidence. During the examination of a witness, all other witnesses, except the parties, shall be excluded from the hearing unless the Hearing Officer, for good cause, otherwise directs.

G. Appeal for Safety Employees.

1. There is created an Appeals Commission. The Appeals Commission shall discharge the duties as delegated to it in this section. The Appeals Commission shall

consist of a five (5) member board as appointed by the City Council. Subject to the approval of the City Council, each City Councilmember and the Mayor shall nominate one member to serve on the Appeals Commission for a term in office on the Appeals Commission which is no longer than the remaining term of the City Councilmember who has nominated the member of the Appeals Commission. The method for designating the order in which City Councilmembers may nominate persons to serve as members of the Appeals Commission for vacancies which may exist or occur on the Appeals Commission from and after August 1, 1992 shall be as provided in City Ordinance No. 2374. Members of the Appeals Commission shall serve at the pleasure of the City Council. Notwithstanding the expiration date of the term of a particular member of the Appeals Commission, each Commissioner shall continue to serve at the pleasure of the City Council until his or her successor is nominated and appointed.

2. The members of the Appeals Commission shall be compensated at the rate of twenty-five dollars (\$25.00) per meeting; but not to exceed seventy-five dollars (\$75.00) per month, in performance of their duties.

3. If a vacancy shall occur on the Appeals Commission otherwise than by expiration of a term, the vacancy shall be filled for the unexpired portion of such term by the nomination of the City Councilmember or Mayor, who originally nominated such member, subject to the approval of the City Council.

4. The members of the Appeals Commission shall be qualified electors of said city. No person shall be appointed to said Board who holds any salaried public office or employment; nor shall any member, while a member of the Board or for a period of one year after he or she has ceased for any reason to be a member, be eligible for appointment to any salaried employment in the service of the city other than a city elective office.

5. The Appeals Commission shall meet from time-to-time at the request of the Human Resources Officer. Three (3) members of the Appeals Commission shall meet for the purpose of discharging the duties of the Appeals Commission to consider such a matter as referred to it by the Human Resources Officer and two (2) members shall be considered a quorum for the purpose of conducting business. The three (3) members of the Appeals Commission shall be designated lot as drawn by the Human Resources Officer from time to time as may be necessary to consider a particular matter of business. Not less frequently than once per year, the Appeals Commission shall conduct a meeting of its entire membership for the purpose of reviewing the administrative procedures of the Appeals Commission for considering the matters as may be referred to the Appeals Commission under this chapter. At

such a meeting where all five (5) members of the Appeals Commission may be present, the Appeals Commission shall not consider any matter as may be referred to the Appeals Commission under this section.

6. Any safety employee in the competitive service, who has been demoted, dismissed or reduced in pay, shall be entitled to receive a written statement of the reasons for such action within three (3) days, and he or she shall have three (3) days' time thereafter within which to answer in writing thereto. A copy of such charges and answer shall be filed with the Personnel Clerk. In the event the employee files an answer, a copy of such written charges and of such answer shall be transmitted by the Personnel Clerk to the Appeals Commission. Within ten (10) days from the date of filing his or her answer to the written charges, or in the event such written charges have not been made available to him or her within the time prescribed, then within ten (10) days after the action taken to demote, dismiss or reduce the pay of the employee, he or she may file a written demand with the Personnel Clerk requesting a hearing before the Appeals Commission. The Board shall then investigate the case and conduct a hearing as provided by this chapter and by the rules.

7. Reductions in pay which are part of a general plan to reduce salaries and wages as an economy measure or as part of a general curtailment program shall not constitute reductions in pay entitling employees to a hearing under the provisions of this section or of this chapter.

8. Any safety employee in the competitive service shall have the right to appeal to the Appeals Commission relative to any situation affecting his employment status or conditions of employment, except in instances where the right of appeal is prohibited by this chapter. Thereupon the Board shall make such investigation as it may deem necessary and within twenty (20) days after the request for hearing was filed by the employee, the Board shall hold a hearing, at which time it shall hear evidence for and against such employee. Hearings may be informally conducted and the rules of evidence need not apply.

9. Within ten (10) days after concluding the hearing, the Appeals Commission shall certify its findings and recommendations to the Council or other official from whose action the appeal was taken. Said official may then affirm, revoke or modify the action taken, as in his or her judgment shall seem warranted. The findings and recommendation of the Appeals Commission and any action taken by the Council or other appointing power shall be final and conclusive. (Ord. 2700 § 1, 2007; Ord. 2579 § 14, 2003)

2.72.150 Training of employees.

A. Responsibility for Training. Responsibility for developing training programs for employees shall be as-

sumed jointly by the City Manager, Human Resources Officer, and Department Heads. Such training programs may include lecture courses, demonstrations, assignment of reading matter or such other devices as may be available for the purpose of improving the effectiveness and broadening the knowledge of municipal officers and employees in the performance of their respective duties.

B. Credit for Training. Participation in and successful completion of special training courses may be considered in making advancements and promotions. Evidence of such activity shall be filed by the employee with the Human Resources Officer. (Ord. 2579 § 15, 2003)

2.72.160 Reports and Records.

A. Personnel Records. The Human Resources Officer shall maintain a service or roster card personnel record for each employee in the service of the city showing the name, title of position held, the department to which assigned, salary, changes in employment status, and such other information as is used for Human Resources purposes.

B. Human Resources Action Forms. Every appointment, transfer, promotion, demotion, change of salary rate, and any other temporary or permanent change in status of employees shall be reported to the Human Resources Officer.

C. Destruction of Records. Prior to any document being removed from a personnel file, that employee shall be provided with fifteen (15) days notice of such action.

D. Personnel Files.

1. Viewing Files. An employee, or the employee's representative, with written consent, shall be entitled to review his/her personnel file.

2. Photocopy Charge. If an employee wishes to have a photocopy of any of the documents in the personnel file, he/she will pay the fee charged by the city at that time for photocopies.

3. Placing Documents in Personnel Files. An employee shall be provided with copies of all documents that are to be placed in his/her personnel file and shall be given thirty (30) days from the date of first receipt of the document to respond. The response shall be attached to the document. (Ord. 2579 § 16, 2003)

2.72.170 Performance evaluation and reports.

A. Performance Evaluation. Performance evaluation is an on-going process and the Human Resources Officer shall provide a method of reporting of individual employee performance, which may relate to quantity and quality of work, ability, reliability, discipline, attendance, and other factors. The Human Resources Officer shall prescribe forms for such performance evaluations and shall be re-

sponsible for assuring that such evaluations are adequate to provide information to both the employee and the city for the purposes set forth in this section.

B. Performance Reports. Department Heads shall at a minimum, annually rate the performance of each employee, provided, however, that the department heads may delegate the responsibility for rating the performance of specified employees in their departments to that employee's supervisor. Interim reports may be completed as necessary when changes in work performance occur. Each employee shall be informed in such reports of his/her strengths and weaknesses. The reports may be inspected by the employee, the employee's departmental supervisor(s), the employee's department head, the Human Resources Officer, and other management staff as appropriate, but shall not be open to any other persons, unless the employee specifically authorizes such other person to inspect the report(s), or the Human Resources Officer determines the report(s) to be relevant evidence in any hearing procedure conducted under these Rules.

C. Appeal of Performance Report. A regular employee shall have the right to appeal any performance report to his/her Department Head. The Department Head's decision shall be final. Notwithstanding, whether or not such an appeal was taken, the employee shall have the right to respond to the report. The response shall be attached to the report. (Ord. 2579 § 17, 2003)

2.72.180 Outside employment.

A. A city employee shall not engage in any employment, activity, or enterprise, which is in conflict with his or her duties, functions, or responsibilities as a city employee.

B. Use of City Equipment Prohibited.

1. No city-owned equipment, autos, trucks, instruments, tools, supplies, machines, or any other item which is the property of the city shall be used by an employee while said employee is engaged in any outside employment or activity for compensation, or otherwise, except upon prior written approval of the City Manager. This section shall not apply to city safety equipment provided to individual safety employees.

2. No employee shall allow any unauthorized person to rent, borrow, or use any of the items mentioned in (a) above, except upon prior written approval of the City Manager.

3. Violations and Penalties. Any violation of the provisions herein contained respecting outside employ-

ment or activity, and use of city property shall constitute sufficient grounds for disciplinary action. (Ord. 2579 § 18, 2003)

2.72.200 Discrimination.

No person in the competitive service, or seeking admission thereto, shall be employed, promoted, demoted or discharged, or in any way favored or discriminated against because of political opinions or affiliations or because of race, color, creed, religious belief, national origin, marital status, sex, sexual orientation, citizenship, age or handicap. (Ord. 2579 § 20, 2003)

2.72.210 Solicitation of contributions.

No officer, agent, clerk or employee under the government of the city shall, directly or indirectly, solicit or receive or be in any manner concerned in soliciting or receiving any assessment, subscription, contribution or political service, whether voluntary or involuntary, for any political purpose whatever from any one on the eligible lists or holding any position under the provisions of this chapter. (Ord. 2579 § 21, 2003)

2.72.220 Right to contract for special service.

The Council may contract with any competent agency for the performance by any such agency of such technical service in connection with the establishment of the personnel system or with its operation, as may be desired. Said contract may include the delegation to such an agency of the responsibility for the performance of the duties herein imposed upon the Personnel Clerk but shall not include the delegation to such agency of the powers and duties herein vested in the Council. (Ord. 2579 § 22, 2003)

2.72.230 Appropriation of funds.

The Council shall appropriate such funds as are necessary to carry out the provisions of this chapter. (Ord. 2579 § 23, 2003)

2.72.240 Provisions of law and separability.

If any provision of this chapter is held contrary to law by a court of competent jurisdiction, such provision shall be severed from the remaining provisions hereof and shall be deemed null and void to the extent required by the court. Other provisions of this will continue in full force and effect. (Ord. 2579 § 24, 2003)

2.72.250 Recission and repeal of prior rules.

All prior and other resolutions inconsistent or in conflict herewith, and all former Personnel Rules and Regula-

tions of the City of El Monte affecting the city personnel generally, as distinguished from Departmental Rules and Regulations, are hereby rescinded and repealed concurrent with the effective date hereof. (Ord. 2579 § 25, 2003)

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*3 Revenue and
Finance*

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Title 3

REVENUE AND FINANCE

Chapters:

- 3.04 Fiscal Provisions Generally**
- 3.08 Real Property Transfer Tax**
- 3.12 Sales and Use Tax**
- 3.16 Uniform Transient Occupancy Tax**
- 3.20 Utility User Tax**
- 3.22 Communication Users' Tax**
- 3.24 Purchasing System**
- 3.26 Uniform Public Construction Cost Accounting Procedures**
- 3.28 Fund Accounts**

Chapter 3.04**FISCAL PROVISIONS GENERALLY****Sections:**

- 3.04.010** **County system.**
3.04.020 **Insufficient funds.**

3.04.010 **County system.**

The city elects to avail itself of the provisions of Sections 51500 et seq. of the Government Code of the state, wherein provision is made that the duties of assessing property and collecting taxes provided by law to be performed by the Assessor and the Tax Collector of the city shall be performed by the County Assessor and the County Tax Collector. (Prior code § 2500)

3.04.020 **Insufficient funds.**

A penalty of fifteen dollars (\$15.00) shall be imposed upon any person submitting a check payable to the city or to any of its departments, officers or employees on behalf of the city for any fee or charge imposed by any provisions of this code or any code adopted by this code for each such check returned by a banking institution for insufficient funds, nonsufficient funds, stop payment, referral to maker, or for any other reason where a check is dishonored by a banking institution and a fee is thereby charged against any city bank account. Where such check was submitted in payment of a bill tendered to a consumer by the Water Department, the penalty shall be added to the next water bill tendered to that consumer. (Prior code § 1223)

Chapter 3.08**REAL PROPERTY TRANSFER TAX****Sections:**

3.08.010	Title.
3.08.020	Tax imposed.
3.08.030	Tax liability.
3.08.040	Exemptions.
3.08.050	Administration.
3.08.060	Refunds.

3.08.010 Title.

This chapter shall be known as the "Real Property Transfer Tax Ordinance of the City of El Monte." It is adopted pursuant to the authority contained in Part 6.7 (commencing with Section 11901) of Division 2 of the Revenue and Taxation Code of the state of California. (Prior code § 6801.1)

3.08.020 Tax imposed.

There is imposed on each deed, instrument or writing in which any lands, tenements, or other realty sold within the city shall be granted, assigned, transferred or otherwise conveyed to, or vested in, the purchaser or purchasers, or any other person or persons, by his or their direction, when the consideration or value of the interest or property conveyed (exclusive of the value of any lien or encumbrances remaining thereon at the time of sale) exceeds one hundred dollars (\$100.00), a tax at the rate of twenty-seven and one-half cents (\$0.275) for each five hundred dollars (\$500.00) or fractional part thereof. (Prior code § 6801.2)

3.08.030 Tax liability.

Any tax imposed pursuant to Section 3.08.020 shall be paid by any person who makes, signs or issues any document or instrument subject to the tax, or for whose use or benefit the same is made, signed or issued. (Prior code § 6801.3)

3.08.040 Exemptions.

A. Any tax imposed pursuant to this chapter shall not apply to any instrument in writing given to secure a debt.

B. The United States or any agency or instrumentality thereof, any state or territory, or political subdivision thereof, or the District of Columbia shall not be liable for any tax imposed pursuant to this chapter with respect to any deed, instrument, or writing to which it is a party, but the tax may be collected by assessment from any other party liable therefor.

C. Any tax imposed pursuant to this chapter shall not apply to the making, delivering or filing of conveyances to make effective any plan of reorganization or adjustment:

1. Confirmed under the Federal Bankruptcy Act, as amended;
2. Approved in an equity receivership proceeding in a court involving a railroad corporation, as defined in subdivision (m) of Section 205 of Title II of the United States Code, as amended;
3. Approved in an equity receivership proceeding in a court involving a corporation, as defined in subdivision (3) of Section 506 of Title II of the United States Code, as amended; or

4. Whereby a mere change in identity, form or place of organization is effected.

5. Subsections (C)(1)—(4) of this section shall only apply if the making, delivery or filing of instruments of transfer or conveyances occurs within five (5) years from the date of such confirmation, approval or change.

D. Any tax imposed pursuant to this chapter shall not apply to the making or delivery of conveyances to make effective any order of the Securities and Exchange Commission, as defined in Subdivision (a) of Section 1083 of the Internal Revenue Code of 1954; but only if:

1. The order of the Securities and Exchange Commission in obedience to which such conveyance is made recites that such conveyance is necessary or appropriate to effectuate the provisions of Section 79k of Title 15 of the United States Code, relating to the Public Utility Holding Act of 1935;

2. Such order specifies the property which is ordered to be conveyed;

3. Such conveyance is made in obedience to such order.

E. In the case of any realty held by a partnership, no levy shall be imposed pursuant to this chapter by reason of any transfer of an interest in a partnership or otherwise, if:

1. Such partnership (or another partnership) is considered a continuing partnership within the meaning of Section 708 of the Internal Revenue Code of 1954; and

2. Such continuing partnership continues to hold the realty concerned.

a. If there is a termination of any partnership within the meaning of Section 708 of the Internal Revenue Code of 1954, for purposes of this chapter, such partnership shall be treated as having executed an instrument whereby there was conveyed, for fair market value (exclusive of the value of any lien or encumbrance remaining there-

on), all realty held by such partnership at the time of such termination.

b. Not more than one tax shall be imposed pursuant to this chapter by reason of a termination described in subsection (E)(2)(a) of this section, and any transfer pursuant thereto, with respect to the realty held by such partnership at the time of such termination. (Prior code §§ 6801.4—6801.8)

3.08.050 Administration.

The County Recorder shall administer this chapter in conformity with the provisions of Part 6.7 of Division 2 of the Revenue and Taxation Code and the provisions of any county ordinance adopted pursuant thereto. (Prior code § 6801.9)

3.08.060 Refunds.

Claims for refund of taxes imposed pursuant to this chapter shall be governed by the provisions of Chapter 5 (commencing with Section 5096) of Part 9 of Division 1 of the Revenue and Taxation Code of the state of California. (Prior code § 6801.10)

Chapter 3.12**SALES AND USE TAX****Sections:**

- 3.12.010** **Short title.**
- 3.12.020** **Rate.**
- 3.12.030** **Operative date.**
- 3.12.040** **Purpose.**
- 3.12.050** **Contract with state.**
- 3.12.060** **Sales tax.**
- 3.12.070** **Place of sale.**
- 3.12.080** **Use tax.**
- 3.12.090** **Adoption of provisions of state law.**
- 3.12.100** **Limitations on adoption of state law.**
- 3.12.110** **Permit not required.**
- 3.12.120** **Exclusions and exemptions.**
- 3.12.130** **Amendments.**
- 3.12.140** **Enjoining collection forbidden.**
- 3.12.180** **Credit for certain sales and use taxes in the Peck-Ramona Triangle project area of the downtown El Monte redevelopment project.**
- 3.12.190** **Credit for certain sales and use taxes in the project area of the El Monte Center redevelopment project.**
- 3.12.200** **Credit for certain sales and use taxes in the project area of the Amendment No. 1 lands of the El Monte Center redevelopment project.**

3.12.010 Short title.

This chapter shall be known as the Uniform Local Sales and Use Tax Ordinance. (Prior code § 6501)

3.12.020 Rate.

The rate of sales tax and use tax imposed by the ordinance codified in this chapter shall be one percent. (Prior code § 6502)

3.12.030 Operative date.

The ordinance codified in this chapter shall be operative on January 1, 1974. (Prior code § 6503)

3.12.040 Purpose.

The City Council declares that this chapter is adopted to achieve the following, among other, purposes and directs that the provisions hereof be interpreted in order to accomplish those purposes:

A. To adopt a sales and use tax ordinance which complies with the requirements and limitations contained in Part 1.5 of Division 2 of the Revenue and Taxation Code;

B. To adopt a sales and use tax ordinance which incorporates provisions identical to those of the Sales and Use Tax Law of the state of California insofar as those provisions are not inconsistent with the requirements and limitations contained in Part 1.5 of Division 2 of the Revenue and Taxation Code;

C. To adopt a sales and use tax ordinance which imposes a tax and provides a measure therefor that can be administered and collected by the State Board of Equalization in a manner that adapts itself as fully as practicable to, and requires the least possible deviation from the existing statutory and administrative procedures followed by the State Board of Equalization in administering and collecting the California State Sales and Use Taxes;

D. To adopt a sales and use tax ordinance which can be administered in a manner that will, to the degree possible consistent with the provisions of Part 1.5 of Division 2 of the Revenue and Taxation Code, minimize the cost of collecting city sales and use taxes and at the same time minimize the burden of record keeping upon persons subject to taxation under the provisions of this chapter. (Prior code § 6504)

3.12.050 Contract with state.

Prior to the operative date, this city shall contract with the State Board of Equalization to perform all functions incident to the administration and operation of this sales and use tax ordinance; provided that if this city shall not have contracted with the State Board of Equalization prior to the operative date, it shall nevertheless so contract and in such a case the operative date shall be the first day of the first calendar quarter following the execution of such a contract rather than the first day of the first calendar quarter following the adoption of the ordinance enacting this chapter. (Prior code § 6505)

3.12.060 Sales tax.

For the privilege of selling tangible personal property at retail a tax is imposed upon all retailers in the city at the rate stated in Section 3.12.020 of the gross receipts of the retailer from the sale of all tangible personal property sold

at retail in this city on and after the operative date of the ordinance codified in this chapter. (Prior code § 6506)

3.12.070 Place of sale.

For the purposes of this chapter, all retail sales are consummated at the place of business of the retailer unless the tangible personal property sold is delivered by the retailer or his or her agent to an out-of-state destination or to a common carrier for delivery to an out-of-state destination. The gross receipts from such sales shall include delivery charges, when such charges are subject to the state sales and use tax, regardless of the place to which delivery is made. In the event a retailer has no permanent place of business in the state or has more than one place of business, the place or places at which the retail sales are consummated shall be determined under rules and regulations so be prescribed and adopted by the State Board of Equalization. (Prior code § 6507)

3.12.080 Use tax.

An excise tax is imposed on the storage, use or other consumption in this city of tangible personal property purchased from any retailer on and after the operative date for storage, use or other consumption in this city at the rate stated in Section 3.12.020 of the sales price of the property. The sales price shall include delivery charges when such charges are subject to state sales or use tax regardless of the place to which delivery is made. (Prior code § 6508)

3.12.090 Adoption of provisions of state law.

Except as otherwise provided in this chapter and except insofar as they are inconsistent with the provisions of Part 1.5 of Division 2 of the Revenue and Taxation Code, all of the provisions of Part 1 of Division 2 of the Revenue and Taxation Code are adopted and made a part of this chapter as though fully set forth herein. (Prior code § 6509)

3.12.100 Limitations on adoption of state law.

In adopting the provisions of Part 1 of Division 2 of the Revenue and Taxation Code, wherever the state of California is named or referred to as the taxing agency, the name of this city shall be substituted therefor. The substitution, however, shall not be made when the word "State" is used as part of the title of the State Controller, the State Treasurer, the State Board of Control, the State Board of Equalization, the State Treasury, or the Constitution of the State of California; the substitution shall not be made when the result of that substitution would require action to be taken by or against the city, or any agency thereof rather than by or against the State Board of Equalization, in performing the functions incident to the administration

or operation of this chapter; the substitution shall not be made in those sections, including but not necessarily limited to, sections referring to the exterior boundaries of the state, where the result of the substitution would be to provide an exemption from this tax with respect to certain sales, storage, use or other consumption of tangible personal property which would not otherwise be exempt from this tax while such sales, storage, use or other consumption remain subject to tax by the state under the provisions of Part 1 of Division 2 of the Revenue and Taxation Code, or to impose this tax with respect to certain sales, storage, use or other consumption of tangible personal property which would not be subject to tax by the state under the said provisions of that Code; the substitution shall not be made in Sections 6501, 6702 (except in the last sentence thereof), 6711, 6715, 6737, 6797 or 6828 of the Revenue and Taxation Code; and the substitution shall not be made for the word "State" in the phrase "retailer engaged in business in this State" in Section 6203 or in the definition of that phrase in Section 6203. (Prior code § 6510)

3.12.110 Permit not required.

If a seller's permit has been issued to a retailer under Section 6067 of the Revenue and Taxation Code, an additional seller's permit shall not be required by this chapter. (Prior code § 6511)

3.12.120 Exclusions and exemptions.

A. The amount subject to tax shall not include any sales or use tax imposed by the state upon a retailer or consumer.

B. The storage, use, or other consumption of tangible personal property, the gross receipts from the sale of which have been subject to tax under a sales and use tax ordinance enacted in accordance with Part 1.5 of Division 2 of the Revenue and Taxation Code by any city and county, county, or city in this state shall be exempt from the tax due under this chapter.

C. There are exempted from the computation of the amount of the sales tax the gross receipts from the sale of tangible personal property to operators of aircraft to be used or consumed principally outside the city in which the sale is made and directly and exclusively in the use of such aircraft as common carriers of persons or property under the authority of the laws of this state, the United States, or any foreign government.

D. In addition to the exemptions provided in Sections 6366 and 6361.1 of the Revenue and Taxation Code the storage, use or other consumption of tangible personal property purchased by operators of aircraft and used or consumed by such operators directly and exclusively in the

use of such aircraft as common carriers of persons or property for hire or compensation under a certificate of public convenience and necessity issued pursuant to the laws of this state, the United States, or any foreign government is exempted from the use tax. (Prior code § 6513)

3.12.130 Amendments.

All subsequent amendments of the Revenue and Taxation Code which relate to the sales and use tax and which are not inconsistent with Part 1.5 of Division 2 of the Revenue and Taxation Code shall automatically become a part of this chapter. (Prior code § 6515)

3.12.140 Enjoining collection forbidden.

No injunction or writ of mandate or other legal or equitable process shall issue in any suit, action or proceeding in any court against the state or this city, or against any officer of the state of this city, to prevent or enjoin the collection under this chapter, or Part 1.5 of Division 2 of the Revenue and Taxation Code, of any tax or any amount of tax required to be collected. (Prior code § 6516)

3.12.180 Credit for certain sales and use taxes in the Peck-Ramona Triangle project area of the downtown El Monte redevelopment project.

Any person subject to a sales tax or a use tax under the provisions of this chapter shall be granted a credit against the payment of tax owed under this chapter in the amount of sales tax or use tax paid, if any, to the El Monte community redevelopment agency pursuant to a certain ordinance of the El Monte community redevelopment-

ment agency entitled, "An Ordinance of the El Monte Community Redevelopment Agency Enacting a Sales and Use Tax Affecting the Privilege of Selling at Retail, Storage, Use or Other Consumption of Tangible Personal Property Purchased from a Retailer for Storage, Use or Consumption in the Peck-Ramona Triangle Project Area of the Downtown El Monte Redevelopment Project." (Prior code § 6517C)

3.12.190 Credit for certain sales and use taxes in the project area of the El Monte Center redevelopment project.

Any person subject to a sales tax or a use tax under the provisions of this chapter shall be granted a credit against the payment of tax owed under this chapter in the amount of sales tax or use tax paid, if any, to the El Monte community redevelopment agency pursuant to a certain ordinance of the El Monte community redevelopment agency entitled, "An Ordinance of the El Monte Community Redevelopment Agency Enacting a Sales and Use Tax Affecting the Privilege of Selling at Retail, Storage, Use or Other Consumption of Tangible Personal Property Purchased from a Retailer for Storage, Use or Consumption in the Project Area of the El Monte Center Redevelopment Project." (Prior code § 6517D)

3.12.200 Credit for certain sales and use taxes in the project area of the Amendment No. 1 lands of the El Monte Center redevelopment project.

Any person subject to a sales tax or a use tax under the provisions of this chapter shall be granted a credit against the payment of tax owed under this chapter in the amount of sales tax or use tax paid, if any, to the El Monte community redevelopment agency pursuant to a certain ordinance of the El Monte community redevelopment agency entitled, "An Ordinance of the El Monte Community Redevelopment Agency Enacting a Sales and Use Tax Affecting the Privilege of Selling at Retail, Storage, Use or Other Consumption of Tangible Personal Property Purchased from a Retailer for Storage, Use or Consumption in the Project Area of Amendment No. 1 Lands of the El Monte Center Redevelopment Project (Valley Boulevard Projects)." (Prior code § 6517E)

Chapter 3.16

UNIFORM TRANSIENT OCCUPANCY TAX

Sections:

3.16.010	Title.
3.16.020	Definitions.
3.16.030	Imposition and rate.
3.16.040	Exemptions.
3.16.050	Collection procedure— Operator's duties.
3.16.060	Registration.
3.16.070	Reporting and remitting.
3.16.080	Penalties and interest.
3.16.090	Tax administrator determinations.
3.16.100	Appeal.
3.16.110	Records.
3.16.120	Refunds.
3.16.130	Credits.
3.16.140	Claims.
3.16.150	Proof.
3.16.160	Action to collect.
3.16.170	Audits.
3.16.180	Violations.

3.16.010 Title.

This chapter shall be known as the "Uniform Transient Occupancy Tax of the City of El Monte." (Prior code § 6600.1)

3.16.020 Definitions.

For the purpose of this chapter certain words and terms are hereafter defined and shall have the meaning thus ascribed:

"Hotel" means any structure, or any portion of any structure, which is occupied or intended or designed for occupancy by transients for dwelling, lodging or sleeping purposes, and includes any hotel, inn, tourist home or house, motel, studio hotel, bachelor hotel, lodging house, rooming house, apartment house, dormitory, public or private club, mobilehome or house trailer at a fixed location, or other similar structure or portion thereof.

"Occupancy" means the use or possession, or the right to the use or possession of any room or rooms or portion thereof, in any hotel for dwelling, lodging or sleeping purposes.

"Operator" means a person who is proprietor of the hotel, whether in the capacity of owner, lessee, sublessee, mortgagee in possession, licensee, or any other capacity. Where the operator performs his functions through a managing agent of any type or character other than an

employee, the managing agent shall also be deemed an operator for the purposes of this chapter and shall have the same duties and liabilities as his or her principal. Compliance with the provisions of this chapter by either the principal or the managing agent shall, however, be considered to be compliance by both.

"Rent" means the consideration charged, whether or not received, for the occupancy of space in a hotel valued in money, whether to be received in money, goods, labor or otherwise, including all receipts, cash, credits and property and services of any kind or nature, without any deduction therefrom whatsoever.

"Tax Administrator" means the City License Officer.

"Transient" means any person who exercises occupancy or is entitled to occupancy by reason of concession, permit or right of access, license or other agreement for a period of thirty (30) consecutive calendar days or less, counting portions of calendar days as full days. Any such person so occupying space in a hotel shall be deemed to be a transient until the period of thirty (30) days has expired. (Prior code §§ 6600.2—6600.7)

3.16.030 Imposition and rate.

Tax imposed for the privilege of occupancy in any hotel, each transient is subject to and shall pay a tax in the amount of ten (10) percent of the rent charged by the operator. Said tax constitutes a debt owed by the transient to the city which is extinguished only by payment to the operator or to the city. The transient shall pay the tax to the operator of the hotel at the time the rent is paid. If the rent is paid in installments, a proportionate share of the tax shall be paid with each installment. The unpaid tax shall be due upon the transient's ceasing to occupy space in the hotel. If for any reason the tax due is not paid to the operator of the hotel, the Tax Administrator may require that such tax shall be paid directly to the Tax Administrator. (Prior code § 6601)

3.16.040 Exemptions.

A. The tax enacted by this chapter shall not be imposed upon any person or agency defined in the following subsections:

1. Exempted by Law. Any person as to whom, or any occupancy as to which, it is beyond the power of the city to impose the tax herein provided;

2. Foreign Agencies. Any officer or employee of a foreign government who is exempt by reason of express provision of federal law or international treaty.

B. Procedure. No exemption shall be granted except upon a claim therefor made at the time rent is collected and under penalty of perjury upon a form prescribed by

the Tax Administrator. (Prior code §§ 6602—6602.1, 6602.3—6602.4)

3.16.050 Collection procedure—Operator's duties.

Each operator shall collect the tax imposed by this chapter to the same extent and at the same time as the rent is collected from every transient. The amount of tax shall be separately stated from the amount of the rent charged, and each transient shall receive a receipt for payment from the operator. No operator of a hotel shall advertise or state in any manner, whether directly or indirectly, that the tax or any part thereof will be assumed or absorbed by the operator, or that it will not be added to the rent, or that, if added, any part will be refunded except in the manner hereinafter provided. (Prior code § 6603)

3.16.060 Registration.

Within thirty (30) days after the effective date of the ordinance codified in this chapter, or within thirty (30) days after commencing business, whichever is later, each operator of any hotel renting occupancy to transients shall register said hotel with the Tax Administrator and obtain from him or her a transient occupancy registration certificate to be at all times posted in a conspicuous place on the premises. Said certificate shall, among other things, state the following:

- A. The name of the operator;
 - B. The address of the hotel;
 - C. The date upon which the certificate was issued;
 - D. "This Transient Occupancy Registration Certificate signifies that the person named on the face hereof has fulfilled the requirements of the Uniform Transient Occupancy Tax Ordinance by registering with the Tax Administrator for the purpose of collecting from transients the Transient Occupancy Tax and remitting said tax to the Tax Administrator. This certificate does not authorize any person to conduct any unlawful business or to conduct any lawful business in an unlawful manner, nor to operate a hotel without strictly complying with all local applicable laws, including but not limited to those requiring a permit from any board, commission, department or office of this City. This certificate does not constitute a permit."
- (Prior code § 6603.1)

3.16.070 Reporting and remitting.

The Tax Administrator shall prepare and revise from time-to-time one or more tax reporting forms to be completed by operators and submitted to the city together with each remittance of the tax imposed by this chapter.

The tax as imposed by this chapter shall be remitted to the city in monthly installments unless a shorter remittance period is ordered by the Tax Administrator. On or before the last day of the month following the close of the reporting month, each operator shall transmit to the Tax Administrator the tax as impounded under this chapter during the preceding or reporting month, together with such completed forms which identify the total rents charged and received by the operator. A completed form shall include a statement by the operator which identifies and describes the posted room rates, as such term is defined by the Civil Code Section 1863, which were applicable during the reporting period. At the time the completed form is submitted to the Tax Administrator, the full amount of the tax collected shall also be remitted to the Tax Administrator. Returns and tax payments are due immediately upon cessation of business by an operator for any reason. All taxes collected by operators under this chapter shall be held in trust for the account of the city. The Tax Administrator may establish shorter reporting periods for any operator, provided the Tax Administrator has first determined that a shorter reporting period is necessary or appropriate in order to insure prompt remittance of the tax and/or submission of accurate tax reporting information. In particular cases, the Tax Administrator may determine that the submission of supplemental accounting, rent cash receipt, transient occupancy tax trust account deposit records, occupancy reports, and other operator business records are necessary or appropriate in connection with the submission of a report (or series of reports) by an operator. (Ord. 2497 § 1, 1999: Ord. 2496 § 1, 1999: prior code § 6603.2)

3.16.080 Penalties and interest.

Penalties shall apply and interest be due as provided in the following subsections:

- A. **Original Delinquency.** Any operator who fails to remit any tax imposed by this chapter within the time required shall pay a penalty of ten (10) percent of the amount of the tax in addition to the amount of the tax.
- B. **Continued Delinquency.** Any operator who fails to remit any delinquent remittance on or before a period of thirty (30) days following the date on which the remittance first became delinquent shall pay a second delinquency penalty of ten (10) percent of the amount of the tax in addition to the amount of the tax and the ten (10) percent penalty first imposed.

- C. **Fraud.** If the Tax Administrator determines that the nonpayment of any remittance due under this chapter is due to fraud, a penalty of twenty-five (25) percent of the amount of the tax shall be added thereto in addition

to the penalties stated in subsections A and B of this section.

D. Interest. In addition to the penalties imposed, any operator who fails to remit any tax imposed by this chapter shall pay interest at the rate of one-half of one percent per month or fraction thereof on the amount of the tax, exclusive of penalties, from the date on which the remittance first became delinquent until paid.

E. Penalties Merged with Tax. Every penalty imposed and such interest as accrues under the provision of this chapter shall become a part of the tax herein required to be paid. (Prior code §§ 6603.3—6603.3.5)

3.16.090 Tax administrator determinations.

If any operator shall fail or refuse to collect said tax and to make, within the time provided in this chapter, any report and remittance of said tax or any portion thereof required by this chapter, the Tax Administrator shall proceed in such manner as he may deem best to obtain facts and information on which to base his or her estimate of the tax due. As soon as the Tax Administrator shall procure such facts and information as he or she is able to obtain upon which to base the assessment of any tax imposed by this chapter and payable by any operator who has failed or refused to collect the same and to make such report and remittance, he shall proceed to determine and assess against such operator the tax, interest and penalties provided for by this chapter. In case such determination is made, the Tax Administrator shall give a notice of the amount so assessed by serving it personally or by depositing it in the United States mail, postage prepaid, addressed to the operator so assessed at his or her last known place of address. Such operator may within ten (10) days after the serving or mailing of such notice make application in writing to the Tax Administrator for a hearing on the amount assessed. If application by the operator for a hearing is not made within the time prescribed, the tax, interest and penalties, if any, determined by the Tax Administrator shall become final and conclusive and immediately due and payable. If such application is made, the Tax Administrator shall give not less than five (5) days written notice in the manner prescribed herein to the operator to show cause at a time and place fixed in said notice why said amount specified therein should not be fixed for such tax, interest and penalties. At such hearing, the operator may appear and offer evidence why such specified tax, interest and penalties should not be so fixed. After such hearing the Tax Administrator shall determine the proper tax to be remitted and shall thereafter give written notice to the person in the manner prescribed herein of such determination and the amount of such tax, interest and penalties. The

amount determined to be due shall be payable after fifteen (15) days unless an appeal is taken as provided in Section 3.16.100. (Prior code § 6603.4)

3.16.100 Appeal.

Any operator aggrieved by any decision of the Tax Administrator with respect to the amount of such tax, interest and penalties, if any, may appeal to the Council by filing a notice of appeal with the City Clerk within fifteen (15) days of the serving or mailing of the determination of tax due. The Council shall fix a time and place for hearing such appeal, and the City Clerk shall give notice in writing to such operator at his or her last known place of address. The findings of the Council shall be final and conclusive and shall be served upon the appellant in the manner prescribed above for service of notice of hearing. Any amount found to be due shall be immediately due and payable upon the service of notice. (Prior code § 6603.4.1)

3.16.110 Records.

It shall be the duty of every operator liable for the collection and payment to the city of any tax imposed by this chapter to keep and preserve, for a period of three (3) years, all records as may be necessary to determine the amount of such tax as he or she may have been liable for the collection of and payment to the city, which records the Tax Administrator shall have the right to inspect at all reasonable times. (Prior code § 6603.5)

3.16.120 Refunds.

Whenever the amount of any tax, interest or penalty has been overpaid or paid more than once or has been erroneously or illegally collected or received by the city under this chapter it may be refunded as provided in the following subsections provided a claim in writing therefor stating under penalty of perjury the specific grounds upon which the claim is founded, is filed with the Tax Administrator within three (3) years of the date of payment. The claim shall be on forms furnished by the Tax Administrator. (Prior code § 6603.6)

3.16.130 Credits.

An operator may claim a refund or take as credit against taxes collected and remitted the amount overpaid, paid more than once or erroneously or illegally collected or received when it is established in a manner prescribed by the Tax Administrator that the person from whom the tax has been collected as not a transient; provided, however, that neither a refund nor a credit shall be allowed unless the amount of the tax so collected has either been refunded to the transient or credited to rent subsequently

payable by the transient to the operator. (Prior code § 6603.6.1)

3.16.140 Claims.

A transient may obtain a refund of taxes overpaid or paid more than once or erroneously or illegally collected or received by the City by filing a claim in the manner provided in Section 3.16.120, but only when the tax was paid by the transient directly to the Tax Administrator, or when the transient having paid the tax to the operator establishes to the satisfaction of the Tax Administrator that the transient has been unable to obtain a refund from the operator who collected the tax. (Prior code § 6603.6.2)

3.16.150 Proof.

No refund shall be paid under the provisions of this chapter unless the claimant establishes his or her right thereto by written records showing entitlement thereto. (Prior code § 6603.6.3)

3.16.160 Action to collect.

Any tax required to be paid by any transient under the provisions of this chapter shall be deemed a debt owed by the transient to the city. Any such tax collected by an operator which has not been paid to the city shall be deemed a debt owed by the operator to the city. Any person owing money to the city under the provisions of this chapter shall be liable to an action brought in the name of the city for the recovery of such amount. (Prior code § 6603.7)

3.16.170 Audits.

The city may, for good cause, conduct an audit of the books and records of a motel. If there is substantial deviation in the amount of taxes as a result of the audit, the cost of the audit is to be borne by the operator together with the imposition of appropriate penalties. (Added during 1999 recodification)

3.16.180 Violations.

No person shall fail or refuse to register as required by this chapter, or to furnish any return required to be made by this chapter, or fail or refuse to furnish a supplemental return or other data required by the Tax Administrator. No person required to make, render, sign or verify any report, return or claim shall make any false or fraudulent report, return or claim with intent to defeat or evade the determination required by this chapter to be made of any amount due. No person shall fail or refuse to pay any sum required by this chapter to be paid. (Prior code § 6603.8)

Chapter 3.20
UTILITY USER TAX

Sections:

3.20.010	Title.
3.20.020	Authority and purpose.
3.20.030	Tax imposed.
3.20.040	Definitions.
3.20.050	Exemptions.
3.20.051	Alternative tax payment option.
3.20.060	Jurisdiction of the California Public Utilities Commission.
3.20.070	Exemptions for senior and disabled persons and other persons.
3.20.080	Telecommunication services user tax.
3.20.090	Electricity service user tax.
3.20.100	Gas service user tax.
3.20.110	Duty of each service supplier to collect tax amounts payable—Procedures.
3.20.120	Filing of tax return by service suppliers and payment of taxes collected.
3.20.130	Failure to remit tax amount collected.
3.20.140	Administration of tax collection—Penalties and assessments.
3.20.150	Records.
3.20.160	Refunds and claims.
3.20.170	Additional powers and duties of tax collector.
3.20.180	Actions to collect tax amounts payable to the city.
3.20.190	Termination or suspension of taxes by resolution of the city council.
3.20.200	Operative date of this chapter, including amendments to this chapter after voter approval of Ordinance 2452 on March 4, 1997.
3.20.210	Maximum tax rate.
3.20.220	Temporary reduction in the rate of any tax approved in this chapter.

3.20.010 Title.

This chapter shall be known as the “1991 City of El Monte Utility User Tax Ordinance.” (Prior code § 6270)

3.20.020 Authority and purpose.

This chapter was enacted in 1991 by the City Council of the city of El Monte and later amended by the City Council, and has been further amended by the City Council and the people of the city of El Monte upon the approval of the voters of city of El Monte Ordinance No. 2452, pursuant to the provisions of Government Code Section 37100.5, Government Code Sections 53723 and 53724 and other applicable law for the purpose of providing a source of general municipal tax revenues to be used for the current and usual general municipal governmental expenses of the city. (Prior code § 6270.1)

3.20.030 Tax imposed.

The general taxes imposed by this chapter have been approved by a majority vote of the voters of the city voting in an election on the issue conducted on March 4, 1997. (Prior code § 6270.2)

3.20.040 Definitions.

Except where the context otherwise requires, the definitions of the words and phrases set forth in this section shall govern the application and administration of the provisions of this chapter:

“City” means the city of El Monte.

“Cogenerator” means any corporation or person employing cogeneration (as defined in Public Utilities Code Section 218.5) for producing power for the generation of electricity for self use or sale to others from a qualified cogeneration facility (as defined in the federal Public Utility Regulatory Policies Act of 1978 and federal regulations thereunder).

“Electrical corporation” means a corporation or person as defined in Public Utilities Code Section 218.

“Exempt wholesale generator” has the same meaning as set forth in the Federal Power Act (15 United States Code Sections 79z-5a) and the federal regulations thereunder.

“Gas” means natural or manufactured gas or any alternate hydrocarbon fuel, including propane, which may be substituted therefor.

“Gas corporation” means a corporation or person as defined in Public Utilities Code Section 222.

“International telecommunication” means all telecommunications that either (1) originate in the city and terminate outside of the United States, or (2) originate outside of the United States and terminate in the city, where, in

either instance, the service or billing of the service user is in the city.

"Interstate telecommunication" means all telecommunications that either (1) originate in the city and terminate in another state, or (2) originate in another state and terminate in the city, where, in either instance, the service or billing of the service user is in the city.

"Intrastate telecommunication" means all telecommunications regardless of routing that either (1) originate in the city and terminate in the state, or (2) originate in the state and terminate in the city, where, in either instance, the service or billing address of the service user is in the city.

"Month" means a calendar month.

"Nonutility supplier" means: (1) a service supplier, other than an electrical corporation franchised to serve within the city, which generates electricity in capacities of fifty (50) kilowatts, or more, for its own use or for sale to others, and includes but is not limited to any publicly-owned electric utility, investor-owned utility, municipal utility district, federal power marketing agency, electric rural cooperative, or other supplier or seller of electricity; (2) an electricity broker, marketer, aggregator, pool operator, or other supplier of electricity which is not franchised by the city to use or occupy any public right-of-way, which sells or supplies electricity or supplemental services to electric service users within the city; and (3) a gas supplier, aggregator, marketer or broker, other than a gas corporation franchised to serve within the city, which sells or supplies gas to users within the city.

"Person" means, without limitation, any natural individual, form, trust, common law trust, estate, joint stock company, joint venture, limited liability company, corporation (foreign or domestic), cooperative, or receiver, trustee, guardian or other representative appointed by order of any court.

"Service(s)" means the utility and other compensated activities provided by a service supplier to a service user. The use of the word "service" as used in a particular section of this chapter, refers to the particular utility and other compensated activities which are paid for by the service user to the service.

"Service supplier" means any entity or person required to collect (or self-collect) and remit any tax imposed under this chapter.

"Service user" means a person required to pay a tax imposed under the provisions of this chapter. In general, a service user is the person in whose name a service supplier delivers the services and other compensated activities provided by a service supplier and who is responsible for paying for the cost of such services.

"State" means the state of California.

"Tax Collector" means the Director of Finance of the city.

"Telecommunication services" include, in addition to the meaning ordinarily and popularly ascribe to it, without limitation, the transmission of messages or information (including but not limited to voice, data, facsimile, video, text) through the use of the local, toll, and wide area telephone service; telegraph, teletypewriter, and computer services; cellular telephone services; or any other transmission of messages or information by electronic or similar means through "interconnected service" with the "public switched network" (as those terms are commonly used in the Federal Communications Act and the regulations of the Federal Communications Commission) by wire, cable, fiber-optics, light waves, laser, microwaves, radio waves, switching facilities, satellite or similar facilities, whether such service is provided by a telephone corporation, competitive access provider, private communication service provider, or any other person. "Telecommunication services" shall include access services, and any other services that are an adjunct to the transmission of messages or information described above. "Telecommunication services" shall not include land mobile services or maritime mobile services, which are not interconnected with the public switched network.

"Telephone corporation" means a corporation or person as defined in Public Utilities Code Section 234(t). (Prior code § 6270.3)

3.20.050 Exemptions.

A. No tax (or any portion of such a tax as specified in this section) which is approved, imposed and levied by the city pursuant to this chapter shall apply to:

1. Charges imposed by the service supplier relating to late payments by the service user, returned check fees and other late collection penalties, interest charges and the like of the service supplier;
2. The city and other public agencies;
3. Any person or service user in the event that the imposition of such tax upon that person or service user would be in violation of the Constitution of the United States or the Constitution of the State of California;
4. Any individual residential service user who resides in the city who is at least sixty-two (62) years of age or older, provided the combined adjusted gross income as used for federal income tax reporting purposes of all members of the household does not exceed the limits for "very low family income" set by the United States Department of Housing and Urban Development (HUD) in its document entitled "Revised Income Limits for Public

Housing and Section 8 programs and Medium Family Incomes" for Los Angeles County;

5. An individual residential service user who is also a "disabled person" for the purpose of satisfying the eligibility criteria of the United States Social Security Administration as a person who is eligible to receive "Supplemental Income" as a blind or disabled person; and

6. The amount of the taxes imposed by this chapter on any person or service user, during the twelve (12) months preceding the date of submission of an application to the Tax Collector for approval of an exemption, which is equal to the difference between the sum of forty thousand dollars (\$40,000.00) and the aggregate amount of all taxes imposed by this chapter which have been paid by the service user to the city during the twelve (12) months preceding the date of submission of an application for such an exemption (See Section 3.20.051);

7. Notwithstanding any provision of Section 3.20.080 to the contrary, no service user shall pay the tax imposed by Section 3.20.080 on "multichannel video programming distributor services," as this term is defined in 47 United States Code Section 522(12), which are provided to the service user by a multichannel video programming distributor which holds a "franchise," as this term is defined in 47 United States Code Section 522(9), which has been initially authorized by the city pursuant to Section 7630, et seq., of this code; and

8. The city may hereafter establish other classifications of persons or services which may be declared to be exempt, in whole or in part, from the levy, payment and collection of any tax which is otherwise imposed by this chapter. Such other classifications shall be described by resolution of the City Council and the resolution shall also contain a description of the duration of the exemption and any special tax administering eligibility verifications and other procedures applicable to the granting of the exemption authorized by resolution of the City Council pursuant to this subsection (A)(8).

B. The exemptions authorized by subsections (A)(3)—(8) of this section shall not relieve the service supplier from the duty to collect the applicable tax amount from any service user who may be eligible to claim such an exemption or relieve any service user from the duty and liability to pay the applicable tax amount to the service supplier, unless an exemption has been applied for by the service user and granted by the Tax Collector in accordance with the provisions of this section. Any service user exempt from the payment of any of the taxes imposed by this chapter because of the provisions of subsections (A)(2)—(3) of this section may file an application with the Tax Collector for approval of an exemption. Such

an application shall be submitted by the service user/applicant upon a form supplied by the Tax Collector and shall state those facts, declared under penalty of perjury, which qualify the applicant for an exemption.

C. The Tax Collector shall review all such applications and shall certify as exempt those applicants determined to be qualified hereunder. The Tax Collector shall notify all service suppliers affected that such exemptions have been approved. Upon the receipt of such notice, the service supplier shall not be required to continue to bill any further tax imposed by this chapter on such exempt service user until further notice by the Tax Collector is given. The service supplier shall eliminate such exempt service user from its tax billing procedure no later than sixty (60) days after the receipt of such notice from the Tax Collector.

D. All exemptions authorized under this section shall continue for so long as the prerequisite facts supporting the initial eligibility for exemption shall continue; provided, however, the exemption shall automatically terminate upon the earlier date of any change in the service address (or residence in the case of an individual), assignment of a different customer account number by the service supplier or by virtue of a discontinuance, suspension, termination of service to the person who has otherwise been found to be eligible for such an exemption; provided however, that such individual may nevertheless apply for a new exemption with each change of address or residence in the city.

E. The Tax Collector shall have the power and right to demand evidence of the continued eligibility of a service user for an exemption under the provisions of subsections (A)(3)—(8) of this section. Such evidence may include, but need not be limited to, copies of business records, letters, statements from public agencies such as the Social Security Administration, copies of income tax returns, and such other evidence concerning the service user or other members of this household which may tend to prove or disapprove such eligibility. The failure of a service user to provide such evidence within thirty (30) days following a written by the Tax Collector, shall be grounds for the cancellation of service user's eligibility for exemption under the provisions of this section, effective ten (10) days following the date of mailing of a notice of cancellation by the Tax Collector.

F. Any person or service user who has been confirmed to be exempt from payment of any amount of tax(es) approved in this chapter, pursuant to this section, shall notify the Tax Collector within ten (10) days of any change in the facts or circumstances which might disqualify such person or service user from further eligibility to either claim or maintain such an exemption. It shall be a

misdemeanor for any person to knowingly receive the benefits of an exemption authorized by this section when the basis for such exemption either does not exist or ceases to exist.

G. If the Tax Collector determines that an application for exemption is incomplete, or that the applicant has failed to truthfully set forth facts in support of the claim for exemption or if the applicant is not eligible for an exemption, then in such event, the application for the exemption shall be denied in a written notice mailed to the applicant. The applicant shall thereafter have a right to file an amended application for an exemption or to appeal the Tax Collector's decision to the City Administrator within ten (10) days after the date of mailing of the Tax Collector's notice of denial. In the case of an appeal, the City Administrator shall review the facts in consultation with the City Attorney and the City Administrator shall render a final written determination on such appeal.

H. The Tax Collector shall annually prepare a list of the service users who have submitted applications and been found to be exempt by the Tax Collector under the provisions of subsections (A)(3)—(8) of this section, and furnish a copy thereof to each service supplier. The list shall contain the name of the service user, together with the current address to which such is supplied.

I. The Tax Collector shall adopt and thereafter may modify from time to time as appropriate, additional written procedure for the administration of this section, as provided in Section 3.20.170. (Ord. 2695 § 2 (part), 2007; prior code § 6270.4)

3.20.051 Alternative tax payment option.

A. Any person or service user subject to any tax imposed under this chapter and/or Chapter 3.22 (Communication Users' Tax) may opt to pay a fixed tax sum of forty thousand dollars (\$40,000.00) per calendar year. This fixed tax sum shall be paid in lieu of any actual, aggregate tax sums which would otherwise be collected on behalf of the city by a service supplier in amounts that would otherwise be due pursuant to this chapter and/or Chapter 3.22 during any given calendar year. The fixed tax sum shall be paid directly to the city by the person or service user in bi-annual increments of twenty thousand dollars (\$20,000.00) which shall be due and payable on or before the close of business on January 1st and July 1st of each calendar year. If January 1st or July 1st falls on a date in which the city is closed for business, the applicable deadline shall be extended to the close of business on the next business day in which the city is open for business.

B. In order to qualify for the tax payment alternative set forth under this section, a prospective applicant must

submit, under penalty of perjury, true and correct documentation (e.g., utility bills and other like documentation) demonstrating to the reasonable satisfaction of the Tax Administrator that over the twelve (12) consecutive months immediately preceding the submission of the application, the aggregate amount of taxes collected from, or otherwise paid by, the applicant pursuant to this chapter and/or Chapter 3.22 exceeded the sum of forty thousand dollars (\$40,000.00).

C. If approved by the Tax Administrator, participation under the alternative payment procedures set forth under this section shall become effective upon January 1st or July 1st, whichever date most immediately follows the date upon which the application was approved; the first incremental payment of twenty thousand dollars (\$20,000.00) shall be due and payable at this time. Consistent with subsection A of this section, above, incremental payments of twenty thousand dollars (\$20,000.00) shall be due and payable to the city on January 1st and July 1st of each calendar year until such time as the applicant opts out of or the applicant's participation is terminated, all in accordance with subsections D and E of this section, below.

D. An applicant may opt out of the alternative payment procedures afforded under this section at any time, provided such request is submitted to the Tax Administrator in writing; thereafter, the applicant shall be taxed, and such tax collected, in the manner otherwise provided under this chapter and/or Chapter 3.22 effective January 1st or July 1st whichever date most immediately follows the date upon which the Tax Administrator receives the written request to opt out of the alternative payment procedures set forth under this section.

E. Notwithstanding, any other provisions set forth under this chapter or Chapter 3.22 relating to the disposition of delinquencies and/or the imposition of collection penalties, the Tax Administrator may unilaterally terminate an applicant's participation under the alternative payment procedures set forth herein in the event the applicant fails to timely pay any or all sums due under this section. Such termination shall become effective thirty (30) days from the date the Tax Administrator issues written notice of any delinquency to the delinquent applicant, unless all delinquent sums owed are actually received by the city prior to the expiration of the thirty (30) day grace period. In the event of termination, a terminated applicant shall be barred from reapplying under this section for a period of one year. Upon the effective date of the termination, the applicant shall be taxed, and such tax collected, in the manner otherwise provided under this chapter and/or Chapter 3.22.

F. The terms "person," "service user" and "service supplier" as used in this section include all persons, ser-

vice users and service suppliers within the meaning of this chapter and within the meaning of Chapter 3.22. For purposes of this section, the terms "person," "service user," and "service supplier" shall be construed to have the broader, more encompassing meaning in the event of any conflict or inconsistency as between the meanings set forth under this chapter and the meanings set forth under Chapter 3.22. (Ord. 2695 § 2 (part), 2007)

3.20.060 Jurisdiction of the California Public Utilities Commission.

This limitation/exemption has been consolidated with other exemptions. See now Section 3.20.050, Exemptions. (Prior code § 6270.5)

3.20.070 Exemptions for senior and disabled persons and other persons.

This limitation/exemption has been consolidated with other exemptions. See now Section 3.20.050, Exemptions. (Prior code § 6270.6)

3.20.080 Telecommunication services user tax.

A. There is approved, imposed and levied by the city a tax upon every person, other than a telephone corporation, using interstate, international, and/or interstate telecommunication services in the city. The tax approved and levied by this section shall be at the rate of seven (7) percent of the charges billed for such services by the telecommunications service supplier, and shall be paid by the service user/person. The tax shall not be based on network usage-related charges for cellular telephone services and other similar mobile services, for which the service provider cannot, as a particular matter, determine the origination or termination of the telecommunication. The Tax Collector may adopt administrative rules for assuring a reasonable and consistent allocation of the monthly cellular billing between network usage-related charges and non-usage-related charges. The word "charges" as used in this section shall also include the value of any other services, credits, property of every kind or nature, or other consideration payable by the service user to the service supplier.

B. Notwithstanding the provisions of subsection A of this section, the tax approved under this section shall not be imposed upon any person for using telecommunication services to the extent that the amounts paid for such services are exempt from or not subject to the tax imposed under Internal Revenue Code Section 4251 and the regulations thereunder. Notwithstanding the tax exception described in the preceding sentence, the following charges (whether or not they are determined to be exempt from or

not subject to a federal excise tax), shall be included in the calculation of the tax amount payable under this section:

1. Charges to a service user by a hotel or motel for telecommunication services used in the city when such charges are incidental to the right of occupancy in such hotel or motel. Collection of the tax shall be the responsibility of the hotel or motel;

2. Charges to a service user in the city by a telecommunication service supplier for providing access to a public long distance network, by any means, including but not limited to a virtual private network, private channel or private line, or radio wave or microwave, whether such access charges are determined as a flat periodic amount, on the basis of distance and/or elapsed transmission time, or in any other manner; and,

3. Charges to a service user in the city by a telecommunication service provider for providing access to an interactive subscriber network, which is available to the general public through the public switched network, among other means.

C. The tax approved by this section shall be collected from the service user by the service supplier providing the telecommunication services (or by the motel or hotel owner in cases covered by subsection (B)(1) of this section). The amount of the tax collected in one month shall be remitted by U.S. Mail to the Tax Collector, and must be received by the Tax Collector on or before the last day of the following month.

D. To prevent actual multijurisdictional taxation of the telecommunication services subject to the tax approved by this section, any service user, upon proof to the Tax Collector that the service user has previously paid the same tax in another state or city on such telecommunication service, shall be allowed a credit against the tax approved by the Section to the extent of the amount of such tax legally imposed in such other state or local agency, provided, however, the amount of credit shall not exceed the amount of the tax owed to the city under this section. (Prior code § 6270.7)

3.20.090 Electricity service user tax.

A. There is approved, imposed and levied by the city a tax upon every person using electricity, including cogenerated electricity, in the city. The tax approved and levied by this section shall be at the rate of seven (7) percent of the charges made for such electricity (or cogenerated electricity, as applicable) and for any supplemental services provided by a service supplier or nonutility supplier to a service user related to the provision of electricity. The tax shall be paid by the service user/person paying for such electricity or supplemental services.

B. The word "charges," as used in this section, shall include charges payable by the service user for: (1) metered energy; (2) minimum charges for services, customer charges, service charges, demand charges, standby charges, fuel or other cost adjustments, standard investment or competitive transition charges, and all other annual and monthly charges or surcharges for electricity services or programs, which are authorized by the California Public Utilities Commission, whether or not such charges appear on a bundled or line item basis on the customer billing. The words "charges for supplemental services related to the provision of electricity" as used in this section shall include charges payable by the service user for wheeling, transmission (including congestion charges), distribution, and stand-by, reserves, firming, ramping, voltage, support, regulation, emergency, or other similar services. The word "charges" as used in this section shall also include the value of any other services, credits, property of every kind or nature, or other consideration payable by the service user to the service supplier in exchange for the electricity or services related to the provision of such electricity.

C. As used in this section, the words or term "using electricity" shall not be construed to mean the storage of electrical energy by a person in a battery that he owns or possesses for use in an automobile or other machinery or device apart from the premises upon which the electricity was received; provided, however, the term shall include the receiving of such electricity for the purpose of using it in the charging of batteries; nor shall the term include the mere receiving of such electricity of an electrical corporation or governmental agency at a point within the city for resale.

D. The tax approved in this section shall be collected from the service user by the electricity service supplier or nonutility supplier who provides such service. The amount of tax collected in one month shall be remitted by U.S. Mail, to the Tax Collector, and must be received by the Tax Collector on or before the last day of the following month.

E. The tax approved by this section on electricity provided to the service user by a self-production or by a nonutility supplier or an electric utility not otherwise collecting and remitting the tax to the Tax Collector under this section in the case of one or more of its customers shall be collected and remitted in the manner set forth in Section 3.20.110C.

F. The tax approved, imposed and levied by this section on cogenerated electricity shall be calculated at the rate specified in subsection A of this section on the value of the cogenerated electricity consumed by the service user

in the city. For the purpose of this subsection, the value of cogenerated electricity consumed by the service user in the city shall be determined by reference to the electric utility supplier's combined "Avoided Cost Energy Pricing and Avoided Cost Capacity Pricing" reporting procedure which is filed with the California Public Utilities Commission or by such successor formula authorized by the California Public Utilities Commission. The cogenerated electricity service user shall pay the tax approved by this section to the Tax Collector in the manner provided in Section 3.20.110C.

1. If the cogenerator sells the energy for consumption by other service users in the city, the value of the cogenerated electricity sold to each such service user in the city shall be based upon the actual charges made for such service, and the amount of the tax approved by this section shall be collected from the service user by the cogenerator/nonutility supplier. The cogenerator shall install and maintain an appropriate metering system for meaning the number of kilovolts of cogenerated electricity provided to the service user such that the cogenerator and the Tax Collector may verify compliance with the obligation of the service user to pay the tax amount approved by this subsection F. The amount of tax collected in one month shall be remitted by U.S. Mail, to the Tax Collector, and must be received by the Tax Collector on or before the last day of the following month. The tax on cogenerated electricity provided by a nonutility supplier shall be collected and remitted in the manner set forth in Section 3.20.110C.

2. Whether the cogenerator consumes or sells the cogenerated electricity, the service user of the cogenerator

shall also pay the tax on all "charges for supplemental services" related to the provision of cogenerated electricity which includes the analogous matters covered in the definition of this term as found in subsection (B)(2) of this section. (Prior code § 6270.8)

3.20.100 Gas service user tax.

A. There is approved, imposed and levied by the city a tax upon every person using gas in the city, which is delivered to a service user through a pipeline distribution system or by mobile transport. The tax approved, imposed and levied by this section shall be at the rate of seven (7) percent of the charges made for such gas, including all services related to the storage, transportation and delivery of such as, and shall be paid by the person using such gas; provided, however, that the tax shall not apply to any charge for gas storage services when the service supplier cannot, as a practical matter, determine the location where such stored gas is ultimately used. The word "charges" as used in this section shall include: (1) the commodity charges payable by a service user for purchased gas, or the cost of gas owned by the service user, which is delivered through a gas pipeline distribution system or by mobile vehicle transport; (2) gas transportation charges (including interstate charges), customer charges, minimum charges, annual and monthly charges, and any other charges for gas services or programs, which are authorized by the California Public Utilities Commission or the Federal Energy Regulatory Commission. The words "cost of gas owned by the service user" as used in this section shall include the actual costs attributed to drilling, production, lifting, storage, gathering, trunkline, pipeline, and other operating costs associated with the production and delivery of such gas. The word "charges" as used in this section shall also include the value of any other services, credits, property of every kind or nature, or other consideration payable by the service user in exchange for the gas or services related to the delivery of such gas.

B. There shall be excluded from the calculation of the tax approved in this section: (1) charges payable by a service user for gas which is to be resold and delivered through a pipeline distribution system or by mobile vehicle transport; (2) the cost of gas used in the city by: (i) a cogenerator in the production of cogenerated electricity; (ii) an electric corporation; (iii) a public agency that supplies or sells electricity; or (iv) an exempt wholesale generator; and (3) charges payable by a service user at the time of sale of propane or other alternate hydrocarbon fuel which is to be used by the service user in motor vehicles or charges for propane or other alternate hydrocarbon fuels payable by the service user where the quality

of the propane or alternate hydrocarbon fuel at each time of delivery is twenty five (25) gallons or less.

C. The tax that is calculated on charges for gas provided by self-production or by a nonutility supplier not otherwise remitting the tax to the Tax Collector under this section shall be collected and remitted in the manner set forth in Section 3.20.110C. All other taxes on charges for gas approved by this section shall be collected from the service user by the gas service supplier. The amount of the tax collected in one month shall be remitted by U.S. Mail, to the Tax Collector, and must be received by the Tax Collector on or before the last day of the following month.

D. Where a gas service supplier is providing commodity transportation service to a service user but the service user has purchased the commodity from a third party, then the commodity transporting service supplier shall collect the tax imposed by this section from the service user, which shall be calculated as follows:

1. Seven (7) percent of the commodity transportation charges, including interstate transportation charges to the extent not included in the commodity charge, transition charges or any other charges for gas services or programs, which are authorized by the California Public Utility Commission or the Federal Energy Regulatory Commission; plus,

2. Seven (7) percent of the imputed value of the transported commodity (net of the amount described in subsection (D)(1) of this section as calculated in accordance with Public Utilities Code Section 6353(a) (b) and (c), or at the election of the service user, seven (7) percent of the actual charges for the transported commodity (net of the amount described in subsection (D)(1) of this section).

E. If the service user elects to pay the tax approved by this section based upon the actual charges for the transported commodity as provided in subsection (D)(2) of this section, the service user must:

1. Give thirty (30) days prior written notice to the Tax Collector of the exercise of such an election; and,

2. Submit to the Tax Collector an adjusted payment or request for credit, as appropriate within sixty (60) days following each calendar quarter to reflect the difference between the tax based upon the imputed value in accordance with the Public Utilities Code Section 6353 (a) (b) and (c) and the actual charges of the transported commodity. A credit, if approved by the Tax Collector, may be applied against any subsequent tax bill relating to the tax imposed by this section that becomes due. (Prior code § 6270.9)

**3.20.110 Duty of each service supplier to collect tax amounts payable—
Procedures.**

The duty of each service supplier (including certain direct purchases of electricity or gas services) to collect and remit to the city the tax amounts approved and levied by any provisions of this chapter from each service user who is a customer of the service supplier shall be performed as follows:

A. The tax shall be collected by the service supplier insofar as practicable at the same time as, and along with, the charges made in accordance with the regular service billing practice of the service supplier. In the event that any amount paid by a service user to a service supplier includes less than the full amount of the charge and tax imposed by this chapter which accrued during the billing period, such an amount and any subsequent payments by a service user shall be applied to the utility service charges: first (or net of the amount of the tax imposed under this chapter) until such other charges of the service supplier have been fully satisfied; and second, any remaining balance shall be applied to the tax amount due from service user under this chapter. In those cases where a service user has notified the service supplier of a refusal to pay a tax amount approved by this chapter, Section 3.20.140E shall apply.

B. The duty of the service supplier to collect the tax approved by this chapter from a service user shall commence with the beginning of the first regular billing period applicable to the service user where all charges normally included in such regular billing are subject to the provisions of this chapter. Where a service user receives more than one billing from the service supplier relating to one or more billing periods or relating to one or more separate service accounts, the duty of the service supplier to collect the amount of the tax approved by this chapter from the service user shall arise separately for each billing period and/or for each separate account payable by that service user.

C. Any service user subject to the tax imposed by Section 3.20.090 or Section 3.20.100 hereof, which produces electricity or gas for self-use, as applicable, or any service user who purchases gas or electricity directly from a nonutility supplier which does not collect the applicable tax amount approved and levied by this chapter from the service user, or any such service user who does not otherwise pay the full tax due for the use of such gas or electricity (as applicable), shall report said fact to the Tax Collector and shall remit the tax due directly to the Tax Collector within thirty (30) days of use of such gas or electricity. In lieu of paying the actual amount of any of the taxes referenced in the first sen-

tence of this section, the service user may, at its option, remit to the Tax Collector within thirty (30) days of such use an estimated amount of the tax payable based upon an average monthly estimated payment pattern for use of comparable amounts of gas or electricity (as applicable), provided that the service user shall submit an adjusted payment or request for credit, as appropriate, to the Tax Collector within sixty (60) days following the end of each calendar quarter. A credit, if approved by the Tax Collector, may be applied against any subsequent tax bill that becomes due. The Tax Collector may require the service user to identify its nonutility supplier and provide, subject to audit, invoices, books of account, or other satisfactory evidence documenting the quantity of gas or electricity used and the cost of price thereof. If the service user is unable to provide satisfactory evidence relating to the calculation of the tax, or, if the Tax Collector may determine the amount of the tax payable by applying the tax rate to the equivalent service charges which the service user would have incurred if the gas or electricity used had been provided by a gas corporation or electrical corporation, as applicable, which is a primary provider of gas or electricity within the city. Rate schedules for this purpose shall be prepared by the Tax Collector.

D. Nothing contained in this chapter shall prohibit the city from directly billing any service user or directly collecting from any service user the amount of any tax approved by this chapter in accordance with such direct tax billing and/or direct tax collection procedure as may be provided by rule or regulation of the Tax Collector approved by resolution of the City Council. (Prior code § 6270.10)

3.20.120 Filing of tax return by service suppliers and payment of taxes collected.

Each service supplier (and each service user subject to Section 3.20.110C shall prepare and file a written tax return to the Tax Collector on forms provided by the Tax Collector. The amount of the tax collected shall be included with the return and filed with the Tax Collector once per month or on such other schedule of reporting and payment as may be authorized by the Tax Collector. The Tax Collector is authorized to specify such additional information as deemed necessary to determine if the tax is being calculated and collected by the service supplier in accordance with this chapter. Returns are due immediately upon cessation of business for any reason. (Prior code § 6270.11)

3.20.130 Failure to remit tax amount collected.

Taxes collected by a service supplier from a service user which are not remitted to the Tax Collector on or before the due date provided in this chapter are delinquent. Taxes owned by a service user subject to Section 3.20.110C are delinquent if not received by the Tax Collector on or before the due date. Should the due date for the remittance of any tax/return and/or tax amount payable to the Tax Collector occur on a weekend or legal holiday, the tax return and the corresponding tax amount must be received by the Tax Collector on the first regular business day of the city following a Saturday/Sunday, or legal holiday. (Prior code § 6270.12)

3.20.140 Administration of tax collection—Penalties and assessments.

A. Civil penalties for delinquency in either the filing of a tax return and/or the remittance to the city of any tax amounts collected by a service supplier, or any deficiency determination thereof, shall attach and be paid by the service supplier at the rate of fifteen (15) percent of the total tax amount imposed by the provisions of this chapter during the period of such delinquency.

B. The Tax Collector shall have the power to impose additional civil penalties upon any service supplier or other person required to collect and remit tax amounts pursuant to the provisions of this chapter (in addition to the amount assessable under subsection A of this section) for fraud and negligence in reporting or remitting to the city of any tax amounts at the rate of fifteen (15) percent of the tax amount imposed by the city, or as recomputed by the Tax Collector during the period of time that such fraud or negligence is alleged to have occurred.

C. Each penalty amount imposed pursuant to the provisions of this section shall become a part of the tax amount required to be remitted to the Tax Collector.

D. Whenever the Tax Collector determines that a service user has deliberately withheld the amount of the tax owed by the service user from the amounts remitted to a service supplier or other person required to collect the tax, or whenever the Tax Collector deems it in the best interest of the city, the Tax Collector may relieve such service supplier or other person of any further obligation to collect the tax amounts due under this chapter from certain named service users for specific billing periods. Whenever the service user has failed to pay the amount of the tax owed for a period of two (2) or more consecutive billing periods, the service supplier shall be relieved from the further obligation to collect the tax amounts owed by such user which correspond to the period of such delinquency; provided however, that the

service supplier has first provided the city with the name and address of such a service user and the amount of the tax owed under the provisions of this chapter.

E. The Tax Collector shall notify each nonpaying service user as identified in subsection D of this section that the Tax Collector has assumed the responsibility to collect the tax amounts due for the stated periods and demand payment of such taxes. The notice shall be served on the service user by deposit of the notice in the United States mail, postage prepaid thereon, addressed to the service user at the address to which billing was made by the service supplier or other person required to collect the tax; or, should the service user have changed its address to the last known address. If the service user fails to remit the tax to the Tax Collector within fifteen (15) days from the date of the mailing of the notice, a penalty of twenty-five (25) percent of the amount of the tax set forth in the notice shall be imposed, but not less than five dollars (\$5.00). The penalty shall become a part of the tax required to be paid.

F. The Tax Collector may make an assessment for any tax amount not paid or remitted by a service user or other person required to pay or remit such tax amount to the city. A notice of the assessment shall refer briefly to the amount of the taxes and penalties imposed and the time and place when such assessment shall be submitted to the City Council for confirmation or modification. The City Clerk shall mail a copy of such notice to the service supplier and to the service user at least ten (10) days prior to the date of the hearing and shall post such notice for at least five (5) continuous days prior to the date of the hearing. Any interested party having any objections may appear and be heard at the hearing provided his objection is filed in writing with the City Clerk prior to the time act for the hearing. At the time fixed for considering such assessment, the City Council shall hear the same, together with any objections filed as provided in this subsection, and thereupon may confirm or modify such assessment by motion. (Prior code § 6270.13)

3.20.150 Records.

A. It shall be the duty of every person required to collect and remit to the city any tax imposed by this chapter to keep and preserve, for a period of three (3) years, all records as may be necessary to determine the amount of such tax as he or she may have been liable for the collection of and remittance to the Tax Collector, which records the Tax Collector, or the Tax Collector's designated representative, shall have the right to inspect at all reasonable times. The Tax Collector, or the Tax Collector's designated representative, is authorized to execute a nondisclosure agreement approved by the City

Attorney to protect the confidentiality of customer information.

B. The Tax Collector, or the Tax Collector's designated representative, may request from a person providing transportation services of gas or electricity to service users within the city a list of the names and addresses of its transportation customers within the city pursuant to Section 6254(e) of Chapter 2.56 of Division 3 of the California Public Utilities Commission.

C. If any person subject to record-keeping under this section unreasonably denies the Tax Collector, or the Tax Collector's designated representative, access to such records, then the Tax Collector may impose a penalty of five hundred dollars (\$500.00) on such person for each day following the initial date that the person refuses to provide such access. (Prior code § 6270.14)

3.20.160 Refunds and claims.

Whenever the amount of any tax imposed under this chapter has been overpaid or paid more than once or has been erroneously or illegally collected or received by the Tax Collector, it may be refunded as provided in this section.

A. The Tax Collector may refund any tax amount that has been overpaid or paid more than once or has been erroneously or illegally collected or received by the Tax Collector under this chapter, provided that no refund shall be paid under the provisions of this section unless the claimant has submitted a written claim for a refund of the tax amount paid to the Tax Collector within one year of the date of the overpayment or the date of erroneous or illegal collection of said tax. Such a tax refund claim must clearly establish claimant's right to the refund by written record showing entitlement thereto. The submission of a written tax refund claim, which complies with the claim filing procedures of Government Code Section 910, et seq. shall be a prerequisite to the initiation of any legal proceeding to recover a refund of any tax amount or assert any other challenge to the validity of any tax approved and levied by this chapter. The City Council shall act upon each tax refund claim within the time period set forth in Government Code Section 9110.4. If the City Council fails or refuses to act on a tax refund claim within the time prescribed by Government Section 910.4, the claim shall be deemed to have been rejected by the City Council on the last day of the period within which the City Council is required to act upon the claim as provided in Government Section 9101.4. It is the intent of the City Council that any tax refund claim which may have arisen prior to the commencement of the one-year tax refund claim period of this section and which is not otherwise barred by the applicable statute of limitation or

claim procedure found elsewhere in this title shall be filed with the Tax Collector in accordance with the tax refund claim procedure applicable to any such claim arising prior to the operative date of this chapter.

B. Notwithstanding other provision of this section, whenever a service supplier, pursuant to an order of the California Public Utilities Commission or a court of competent jurisdiction, orders the service supplier to pay a refund to one or more service users of charges for past services, the taxes paid by each such affected service user pursuant to this chapter on the amount of such refunded charges shall also be refunded to each such affected service user by the service supplier; provided however, the service supplier shall be entitled at its option to claim a credit for the amount of such refunded tax against the amount of the tax which is due and payable to the city with the next monthly return following the date of payment of such refunded charges for past services. (Prior code § 6270.15)

3.20.170 Additional powers and duties of tax collector.

A. The Tax Collector shall have the power and duty, and is directed, to enforce each and all of the provisions of this chapter.

B. The city may adopt rules and regulations by resolution of the City Council which are not inconsistent with provisions of this chapter for the purpose of carrying out and enforcing the payment, collection and remittance of the taxes herein imposed. A copy of such rules and regulations shall be on file in the Tax Collector's office.

C. The Tax Collector may enter into administrative agreements to vary from the strict requirements of this chapter, so that collection of any tax imposed herein may be made in conformance with the billing procedures of a particular service supplier (or service user subject to Section 3.20.110C) as long as said agreements result in the collection of the tax in conformance with the general purpose and scope of this chapter. A copy of each such agreement shall be on file in the Tax Collector's office.

D. The Tax Collector, or designee, shall provide prompt written notice to all service suppliers of any change in the city's boundaries following any annexation or other change in the city's boundaries. Said notice shall set forth the revised boundaries by street and address along with a copy of the final annexation order from the Local Agency Formation Commission. (Prior code § 6270.16)

3.20.180 Actions to collect tax amounts payable to the city.

The amount of any tax required to be paid by a ser-

vice user under the provisions of this chapter shall be deemed a debt owed by the service user to the city. Any amount of a tax collected from a service user by a service supplier which has not been remitted to the Tax Collector shall be deemed a debt owed to the city by the service supplier. Any person owing money to the city under the provisions of this chapter shall be liable to pay such an amount upon entry of judgment in an action brought in the name of the city for the recovery of such sum, including reasonable attorneys fees, costs and interest. (Prior code § 6270.17)

3.20.190 Termination or suspension of taxes by resolution of the city council.

Upon written notification from the Tax Collector that the City Council has authorized a termination or suspension of any tax approved under this chapter, each service supplier shall implement the direction of the City Council terminating or suspending the tax for the period of time indicating in such a written notice, commencing with the first full billing period which occurs after the effective date of such an action authorized by resolution of the City Council. (Prior code § 6270.18)

3.20.200 Operative date of this chapter, including amendments to this chapter after voter approval of Ordinance 2452 on March 4, 1997.

A. The taxes imposed under Ordinance No. 2324, dated August 27, 1991, and this chapter, together with certain additional telephone service charges as described in Urgency Ordinance No. 2332, dated September 24, 1991, because applicable to utility bills transmitted to service users on or after sixty (60) days following the passage of Ordinance No. 2324, or as soon thereafter as was practicable. The additional amount of taxes imposed by Ordinance No. 2355, dated September 8, 1992, and this chapter, became applicable upon passage of Ordinance No. 2355, and the additional amount of the taxes imposed under Ordinance No. 2355 on or after sixty (60) days from the date of final passage or as soon thereafter as was practicable for the imposition of the tax rates authorized by Ordinance No. 2355 and this chapter.

B. The amendment of this chapter authorized by Ordinance No. 2452 was approved by the voters on March 4, 1997 and each of the amendments of this chapter by said ordinance shall become operative immediately upon acceptance by the City Council of the certified results of the March 4, 1997 municipal election confirming that Ordinance No. 2452 amending this chapter has been approved by a majority vote of the electorate in accordance with

Government Code Section 53723. (Amended during 1999 recodification; prior code § 6270.19)

3.20.210 Maximum tax rate.

No person shall pay a tax of more than seven (7) percent to the city of any services, subject to a tax under this chapter, nor shall any person pay in the aggregate more than seven (7) percent in taxes to the city of all services subject to tax under this chapter. (Prior code § 6270.20)

3.20.220 Temporary reduction in the rate of any tax approved in this chapter.

Each of the tax rates approved, imposed and levied by Sections 3.20.090, 3.20.100 and 3.20.110 on the operative date of Ordinance No. 2452 which adds this section to this chapter, may be temporarily reduced and levied at a rate of less than seven (7) percent by resolution of the City Council. Each such temporary reduction of the tax rate shall be in effect and may be levied at a reduced rate only for a period of time authorized in the City Council resolution and upon the end of the temporary period of the tax rate reduction authorized in the resolution, the tax shall be levied at the full amount of the rate in effect on the operative date of Ordinance No. 2452 which adds this section to this chapter. No such temporary reduction in a tax rate approved by a resolution of the City Council shall require the approval of the voters of the before the temporary tax rate reduction may take effect for the term as specified in the resolution. (Prior code § 6270.21)

Chapter 3.22

COMMUNICATION USERS' TAX

Sections:

3.22.010	Short title.
3.22.020	Adoption; charter authority.
3.22.030	Definitions.
3.22.040	Constitutional, statutory, and other exemptions.
3.22.050	Communication users' tax.
3.22.060	Bundling taxable items with nontaxable items.
3.22.070	Substantial nexus/minimum contacts.
3.22.080	Duty to collect—Procedures.
3.22.090	Collection penalties—Service suppliers.
3.22.100	Actions to collect.
3.22.110	Deficiency determination and assessment—Tax application errors.
3.22.120	Administrative remedy—Nonpaying service users.
3.22.130	Additional powers and duties of the Tax Administrator.
3.22.140	Records.
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3.22.160	Appeals.
3.22.170	No injunction/writ of mandate.
3.22.180	Notice of changes to chapter.
3.22.190	Future amendment to cited statute.
3.22.200	No increase in tax percentage or change in methodology without voter approval.
3.22.210	Independent audit of tax collection, exemption, remittance, and expenditure.
3.22.220	Interaction with prior tax.
3.22.230	Remedies cumulative.

3.22.010 Short title.

This chapter shall be known as the "Communication Users' Tax Law" of the city. (Ord. 2695 § 1 (part), 2007)

3.22.020 Adoption; charter authority.

This chapter is adopted pursuant to the powers of the city of El Monte as authorized by Section 6 of Article XI of the Constitution of the State of California. (Ord. 2695 § 1 (part), 2007)

3.22.030 Definitions.

The following words and phrases whenever used in this chapter shall be construed as defined in this section:

"Ancillary telecommunication services" means services that are associated with or incidental to the provision, use or enjoyment of telecommunications services, including but not limited to the following services:

1. "Conference bridging service" means an ancillary service that links two (2) or more participants of an audio or video conference call and may include the provision of a telephone number. Conference bridging service does not include the telecommunications services used to reach the conference bridge.

2. "Detailed telecommunications billing service" means an ancillary service of separately stating information pertaining to individual calls on a customer's billing statement.

3. "Directory assistance" means an ancillary service of providing telephone number information, and/or address information.

4. "Vertical service" means an ancillary service that is offered in connection with one or more telecommunications services, which offers advanced calling features that allow customers to identify callers and to manage multiple calls and call connections, including conference bridging services.

5. "Voice mail service" means an ancillary service that enables the customer to store, send or receive recorded messages. Voice mail service does not include any vertical services that the customer may be required to have in order to utilize the voice mail service

"Billing address" means the mailing address of the service user where the service supplier submits invoices or bills for payment by the customer.

"City" means the city of El Monte.

"City Manager" means the City Manager of the city of El Monte as defined under Chapter 2.12 of the El Monte Municipal Code or designee.

"Communication services" means "telecommunication services" and "ancillary telecommunication services."

"Mobile telecommunications service" has the same meaning and usage as set forth in the Mobile Telecommunications Sourcing Act (4 U.S.C. Section 124) and the regulations thereunder.

"Month" means a calendar month.

"Person" means, without limitation, any natural individual, firm, trust, common law trust, estate, partnership of any kind, association, syndicate, club, joint stock company, joint venture, limited liability company, corporation (including foreign, domestic, and nonprofit), municipal district or municipal corporation (other than the

city) cooperative, receiver, trustee, guardian, or other representative appointed by order of any court.

“Place of primary use” means the street address representative of where the customer’s use of the communications service primarily occurs, which must be the residential street address or the primary business street address of the customer.

“Post-paid telecommunication service” means the telecommunication service obtained by making a payment on a communication-by-communication basis either through the use of a credit card or payment mechanism such as a bank card, travel card, credit card, or debit card, or by charge made to a service number which is not associated with the origination or termination of the telecommunication service.

“Prepaid telecommunication service” means the right to access telecommunication services, which must be paid for in advance and which enables the origination of communications using an access number or authorization code, whether manually or electronically dialed, and that is sold in predetermined units or dollars of which the number declines with use in a known amount.

“Private telecommunication service” means a telecommunication service that entitles the customer to exclusive or priority use of a communications channel or group of channels between or among termination points; regardless of the manner in which such channel or channels are connected, and includes switching capacity, extension lines, stations, and any other associated services that are provided in connection with the use of such channel or channels. A communications channel is a physical or virtual path of communications over which signals are transmitted between or among customer channel termination points (i.e., the location where the customer either inputs or receives the communications).

“Service address” means either:

1. The location of the service user’s communication equipment from which the communication originates or terminates, regardless of where the communication is billed or paid; or
2. If the location in subsection 1 of this definition is unknown (e.g., mobile telecommunications service or VoIP service), the service address means the location of the service user’s place of primary use; or
3. For prepaid telecommunication service, “service address” means the location associated with the service number.

“Service supplier” means any entity or person, including the city, that provides communication service to a user of such service within the city.

“Service user” means a person required to pay a tax imposed under the provisions of this chapter.

“State” means the state of California.

“Tax Administrator” means the Deputy City Manager for Administrative Services or designee.

“Telecommunications services” means the transmission, conveyance, or routing of voice, data, audio, video, or any other information or signals to a point, or between or among points, whatever the technology used, and includes broadband services (e.g., T-1, digital subscriber line (eDSL), fiber optic, coaxial cable, and wireless broadband, including Wi-Fi, WiMAX, and Wireless MESH) to the extent federal and/or state law permits taxation of such broadband services, now or in the future. The term “telecommunications services” includes such transmission, conveyance, or routing in which computer processing applications are used to act on the form, code or protocol of the content for purposes of transmission, conveyance or routing without regard to whether such services are referred to as voice over internet protocol (VoIP) services or are classified by the Federal Communications Commission as enhanced or value-added, and includes video and/or data services that are functionally integrated with “telecommunication services.” “Telecommunications services” includes, but is not limited to the following services, regardless of the manner or basis on which such services are calculated or billed: ancillary telecommunication services; broadband service (to the extent federal and/or state law permits taxation of such service); mobile telecommunications service; prepaid telecommunication service; post-paid telecommunication service; private telecommunication service; paging service; 800 service (or any other toll-free numbers designated by the Federal Communications Commission); 911 service (or any other similar numbers designated by the Federal Communications Commission for services whereby subscribers who call in to prerecorded or live service). “Telecommunication services” shall not include digital downloads that are not “ancillary telecommunication services,” such as books, music, ringtones, games, and similar digital products. (Ord. 2695 § 1 (part), 2007)

3.22.040 Constitutional, statutory, and other exemptions.

A. Nothing in this chapter shall be construed as imposing a tax upon any person or service when the imposition of such tax upon such person or service would be in violation of a federal or state statute, the Constitution of the United States or the Constitution of the State.

B. Any service user that is exempt from the tax imposed by this chapter pursuant to subsection A of this sec-

tion shall file an application with the Tax Administrator for an exemption; provided, however, this requirement shall not apply to a service user that is a state or federal agency or subdivision thereof with a commonly recognized name for such service. Said application shall be made upon a form approved by the Tax Administrator and shall state those facts, declared under penalty of perjury, which qualify the applicant for an exemption, and shall include the names of all service suppliers serving that service user. If deemed exempt by the Tax Administrator, such service user shall give the Tax Administrator timely written notice of any change in service suppliers so that the Tax Administrator can properly notify the new service supplier of the service user's tax-exempt status. A service user that fails to comply with this section shall not be entitled to a refund of the communication users' taxes collected and remitted to the Tax Administrator from such service user as a result of such noncompliance.

C. The decision of the Tax Administrator may be appealed pursuant to Section 3.22.160 of this chapter. Filing an application with the Tax Administrator and appeal to the City Manager pursuant to Section 3.22.160 of this chapter is a prerequisite to a suit thereon.

D. Any service user who qualifies as a "claimant" under the "Gonsalves-Deukmejian-Petris Senior Citizens Property Tax Assistance Law" (Chapter 1, commencing with Section 20501, of Part 10.5 of Division 2 of the Revenue and Taxation Code of the state of California) shall be exempt from the tax imposed by this chapter and any such tax paid by any such service user is subject to refund under subsection B of this section, above. In the event that the "Gonsalves-Deukmejian-Petris Senior Citizens Property Tax Assistance Law" is repealed or otherwise ceases to exist in a substantially similar form, the exemption granted under this subsection shall automatically terminate.

E. Any person or service user subject to taxation under this chapter may invoke the provisions of Section 3.20.051 relating to alternative payment options. (Ord. 2695 § 1 (part), 2007)

3.22.050 Communication users' tax.

A. There is imposed a tax upon every person in the city using communication services. The maximum tax imposed by this section shall be at the rate of six and one-half (6.5) percent of the charges made for such services and shall be collected from the service user by the communication services supplier or its billing agent. There is a rebuttable presumption that communication services, which are billed to a billing or service address in the city, are used, in whole or in part, within the city's boundaries,

and such services are subject to taxation under this chapter. If the billing address of the service user is different from the service address, the service address of the service user shall be used for purposes of imposing the tax. As used in this section, the term "charges" shall include the value of any other services, credits, property of every kind or nature, or other consideration provided by the service user in exchange for the communication services.

B. "Mobile telecommunications service" shall be sourced in accordance with the sourcing rules set forth in the Mobile Telecommunications Sourcing Act (4 U.S.C. Section 124). The Tax Administrator may issue and disseminate to communication service suppliers, which are subject to the tax collection requirements of this chapter, sourcing rules for the taxation of other communication services, including but not limited to post-paid communication services, prepaid communication services, and private communication services, provided that such rules are based upon custom and common practice that further administrative efficiency and minimize multijurisdictional taxation.

C. The Tax Administrator may issue and disseminate to communication service suppliers, which are subject to the tax collection requirements of this chapter, an administrative ruling identifying those communication services, or charges therefor, that are subject to or not subject to the tax of subsection A of this section, above.

D. As used in this section, the term "telecommunication services" shall include, but are not limited to charges for: connection, reconnection, termination, movement, or change of telecommunication services; late payment fees; detailed billing; central office and custom calling features (including but not limited to call waiting, call forwarding, caller identification and three (3) way calling); voice mail and other messaging services; directory assistance; access and line charges; universal service charges; regulatory, administrative and other cost recovery charges; local number portability charges; and page, instant and text messaging. "Telecommunication services" shall not include digital downloads that are not "ancillary telecommunication services," such as books, music, ringtones, games, and similar digital products.

E. To prevent actual multijurisdictional taxation of communication services subject to tax under this section, any service user, upon proof to the Tax Administrator that the service user has previously paid the same tax in another state or local jurisdiction on such communication services, shall be allowed a credit against the tax imposed to the extent of the amount of such tax legally imposed in such other state or local jurisdiction; provided, however,

the amount of credit shall not exceed the tax owed to the city under this section.

F. The tax on communication services imposed by this section shall be collected from the service user by the service supplier. The amount of tax collected in one month shall be remitted to the Tax Administrator, and must be received by the Tax Administrator on or before the twentieth day of the following month. (Ord. 2695 § 1 (part), 2007)

3.22.060 Bundling taxable items with nontaxable items.

Except as otherwise provided by applicable federal or state law, if any nontaxable charges are combined with and not separately stated from taxable service charges on the customer bill or invoice of a service supplier, the combined charge is subject to tax unless the service supplier identifies, by reasonable and verifiable standards, the portions of the combined charge that are nontaxable and taxable through the service supplier's books and records kept in the regular course of business, and in accordance with generally accepted accounting principles, and not created and maintained for tax purposes. The service supplier has the burden of proving the proper apportionment of taxable and nontaxable charges. (Ord. 2695 § 1 (part), 2007)

3.22.070 Substantial nexus/minimum contacts.

A. For purposes of imposing a tax or establishing a duty to collect and remit a tax under this chapter, "substantial nexus" and "minimum contacts" shall be construed broadly in favor of the imposition, collection and/or remittance of the communication users' tax to the fullest extent permitted by state and federal law, and as it may change from time to time by judicial interpretation or by statutory enactment. Any communication service (including VoIP) used by a person with a service address in the city, which service is capable of terminating a call to another person on the general telephone network, shall be subject to a rebuttable presumption that "substantial nexus/minimum contacts" exists for purposes of imposing a tax, or establishing a duty to collect and remit a tax, under this chapter. A service supplier shall be deemed to have sufficient activity in the city for tax collection and remittance purposes if its activities include, but are not limited to, any of the following: maintains or has within the city, directly or through an agent or subsidiary, a place of business of any nature; solicits business in the city by employees, independent contractors, resellers, agents or other representatives; solicits business in the city on a continuous, regular, seasonal or systematic basis by means of advertising that is

broadcast or relayed from a transmitter within the city or distributed from a location within the city; or advertises in newspapers or other periodicals printed and published within the city or through materials distributed in the city by means other than the United States mail.

B. The city shall make available, upon request, an accurate description of its jurisdictional boundaries based on street addresses and/or ZIP Plus Four, in an electronic format. If a service supplier relies upon such information provided by city, it shall not be responsible for any errors in taxation that may result. (Ord. 2695 § 1 (part), 2007)

3.22.080 Duty to collect—Procedures.

A. Collection by Service Suppliers. The duty of service suppliers to collect and remit the taxes imposed by the provisions of this chapter shall be performed as follows:

1. The tax shall be collected by service suppliers insofar as practicable at the same time as, and along with, the collection of the charges made in accordance with the regular billing practice of the service supplier. Where the amount paid by a service user to a service supplier is less than the full amount of the charge and tax which was accrued for the billing period, a proportionate share of both the charge and the tax shall be deemed to have been paid. In those cases where a service user has notified the service supplier of refusal to pay the tax imposed on said charges, Section 3.22.120 shall apply.

2. The duty of a service supplier to collect the tax from a service user shall commence with the beginning of the first regular billing period applicable to the service user where all charges normally included in such regular billing are subject to the provisions of this chapter. Where a service user receives more than one billing, one or more being for different periods than another, the duty to collect shall arise separately for each billing period.

B. Filing Return and Payment. Each person required by this chapter to remit a tax shall file a return to the Tax Administrator, on forms approved by the Tax Administrator, on or before the due date. The full amount of the tax collected shall be included with the return and filed with the Tax Administrator. The Tax Administrator is authorized to require such additional information as he or she deems necessary to determine if the tax is being levied, collected, and remitted in accordance with this chapter. Returns are due immediately upon cessation of business for any reason. Pursuant to Revenue and Tax Code Section 7284.6, the Tax Administrator, and its agents, shall maintain such filing returns as confidential information that is exempt from the disclosure provisions of the Public Records Act. (Ord. 2695 § 1 (part), 2007)

3.22.090 Collection penalties—Service suppliers.

A. Taxes collected from a service user are delinquent if not received by the Tax Administrator on or before the due date. Should the due date occur on a weekend or legal holiday, the return must be received by the Tax Administrator on the first regular working day following the weekend or legal holiday. A direct deposit, including electronic fund transfers and other similar methods of electronically exchanging moneys between financial accounts, made by a service supplier in satisfaction of its obligations under this section shall be considered timely if the transfer is initiated on or before the due date, and the transfer settles into the city's account on the following business day.

B. If the person required to collect and/or remit the communication users' tax fails to collect the tax (by failing to properly assess the tax on one or more services or charges on the customer's billing) or fails to remit the tax collected on or before the due date, the Tax Administrator shall attach a penalty for such delinquencies or deficiencies at the rate of fifteen (15) percent of the total tax that is delinquent or deficient in the remittance, and shall pay interest at the rate of seventy-five hundredths (0.75) percent per month, or any fraction thereof, on the amount of the tax, exclusive of penalties, from the date on which the remittance first became delinquent, until paid.

C. The Tax Administrator shall have the power to impose additional penalties upon persons required to collect and remit taxes pursuant to the provisions of this chapter for fraud or gross negligence in reporting or remitting at the rate of fifteen (15) percent of the amount of the tax collected and/or required to be remitted, or as recomputed by the Tax Administrator.

D. For collection purposes only, every penalty imposed and such interest that is accrued under the provisions of this section shall become a part of the tax herein required to be paid.

E. Notwithstanding the foregoing, the Tax Administrator may, in his or her discretion, modify the due dates of this chapter to be consistent with any uniform standards or procedures that are mutually agreed upon by other public agencies imposing a communication users' tax, or otherwise legally established, to create a central payment location or mechanism. (Ord. 2695 § 1 (part), 2007)

3.22.100 Actions to collect.

Any tax required to be paid by a service user under the provisions of this chapter shall be deemed a debt owed by the service user to the city. Any such tax collected from a service user which has not been remitted to the Tax Administrator shall be deemed a debt owed to the city by the

person required to collect and remit and shall no longer be a debt of the service user. Any person owing money to the city under the provisions of this chapter shall be liable to an action brought in the name of the city for the recovery of such amount, including penalties and interest as provided for in this chapter, along with any collection costs incurred by the city as a result of the person's noncompliance with this chapter, including, but not limited to, reasonable attorneys fees. Any tax required to be collected by a service supplier or owed by a service user is an unsecured priority excise tax obligation under 11 U.S.C.A. Section 507(a)(8)(C). (Ord. 2695 § 1 (part), 2007)

3.22.110 Deficiency determination and assessment—Tax application errors.

A. The Tax Administrator shall make a deficiency determination if he or she determines that any service user or service supplier required to pay or collect taxes pursuant to the provisions of this chapter has failed to pay, collect, and/or remit the proper amount of tax by improperly or failing to apply the tax to one or more taxable services or charges. Nothing herein shall require that the Tax Administrator institute proceedings under this Section 3.22.110 if, in the opinion of the Tax Administrator, the cost of collection or enforcement likely outweighs the tax benefit.

B. The Tax Administrator shall mail a notice of such deficiency determination to the person or entity allegedly owing the tax, which notice shall refer briefly to the amount of the taxes owed, plus interest at the rate of seventy-five hundredths (0.75) percent per month, or any fraction thereof, on the amount of the tax from the date on which the tax should have been received by the city. Within fourteen (14) calendar days after the date of service of such notice, the person or entity allegedly owing the tax may request in writing to the Tax Administrator for a hearing on the matter.

C. If the person or entity allegedly owing the tax fails to request a hearing within the prescribed time period, the amount of the deficiency determination shall become a final assessment, and shall immediately be due and owing to the city. If the person or entity allegedly owing the tax requests a hearing, the Tax Administrator shall cause the matter to be set for hearing, which shall be scheduled within thirty (30) days after receipt of the written request for hearing. Notice of the time and place of the hearing shall be mailed by the Tax Administrator to such person or entity at least ten (10) calendar days prior to the hearing, and, if the Tax Administrator desires said person or entity to produce specific records at such hearing, such notice may designate the records requested to be produced.

D. At the time fixed for the hearing, the Tax Administrator shall hear all relevant testimony and evidence, including that of any other interested parties. At the discretion of the Tax Administrator, the hearing may be continued from time to time for the purpose of allowing the presentation of additional evidence. Within a reasonable time following the conclusion of the hearing, the Tax Administrator shall issue a final assessment (or nonassessment), thereafter, by confirming, modifying or rejecting the original deficiency determination, and shall mail a copy of such final assessment to the person or entity owing the tax. The decision of the Tax Administrator may be appealed pursuant to Section 3.22.160 of this chapter. Filing an application with the Tax Administrator and appeal to the City Manager pursuant to Section 3.22.160 of this chapter is a prerequisite to a suit thereon. Both the Tax Administrator and the City Manager may designate an independent Hearing Officer to conduct any of the hearings or other proceedings contemplated under this section and such Hearing Officer shall render a decision in the manner provided herein.

E. Payment of the final assessment shall become delinquent if not received by the Tax Administrator on or before the thirtieth day following the date of receipt of the notice of final assessment. The penalty for delinquency shall be fifteen (15) percent on the total amount of the assessment, along with interest at the rate of seventy-five hundredths (0.75) percent per month, or any fraction thereof, on the amount of the tax, exclusive of penalties, from the date of delinquency, until paid. The applicable statute of limitations regarding a claim by the city seeking payment of a tax assessed under this chapter shall commence from the date of delinquency as provided in this subsection.

F. All notices under this section may be sent by regular mail, postage prepaid, and shall be deemed received on the third calendar day following the date of mailing, as established by a proof of mailing. (Ord. 2695 § 1 (part), 2007)

3.22.120 Administrative remedy— Nonpaying service users.

A. Whenever the Tax Administrator determines that a service user has deliberately withheld the amount of the tax owed by the service user from the amounts remitted to a person required to collect the tax, or whenever the Tax Administrator deems it in the best interest of the city, he or she may relieve such person of the obligation to collect the taxes due under this chapter from certain name service users for specific billing periods. To the extent the service user has failed to pay the amount of tax owed for a period

of two (2) or more billing periods, the service supplier shall be relieved of the obligation to collect taxes due. The service supplier shall provide the city with the names and addresses of such service users and the amounts of taxes owed under the provisions of this chapter. Nothing herein shall require that the Tax Administrator institute proceedings under this Section 3.22.120 if, in the opinion of the Tax Administrator, the cost of collection or enforcement likely outweighs the tax benefit.

B. In addition to the tax owed, the service user shall pay a delinquency penalty at the rate of fifteen (15) percent of the total tax that is owed, and shall pay interest at the rate of seventy-five hundredths (0.75) percent per month, or any fraction thereof, on the amount of the tax, exclusive of penalties, from the due date, until paid.

C. The Tax Administrator shall notify the nonpaying service user that the Tax Administrator has assumed the responsibility to collect the taxes due for the stated periods and demand payment of such taxes, including penalties and interest. The notice shall be served on the service user by personal delivery or by deposit of the notice in the United States mail, postage prepaid, addressed to the service user at the address to which billing was made by the person required to collect the tax; or, should the service user have a change of address, to his or her last known address.

D. If the service user fails to remit the tax to the Tax Administrator within thirty (30) days from the date of the service of the notice upon him or her, the Tax Administrator may impose an additional penalty of fifteen (15) percent of the amount of the total tax that is owed. (Ord. 2695 § 1 (part), 2007)

3.22.130 Additional powers and duties of the Tax Administrator.

A. The Tax Administrator shall have the power and duty, and is directed, to enforce each and all of the provisions of this chapter.

B. The Tax Administrator may adopt administrative rules and regulations consistent with provisions of this chapter for the purpose of interpreting, clarifying, carrying out and enforcing the payment, collection and remittance of the taxes herein imposed. A copy of such administrative rules and regulations shall be on file in the Tax Administrator's office.

C. Upon a proper showing of good cause, the Tax Administrator may make administrative agreements, with appropriate conditions, to vary from the strict requirements of this chapter and thereby: (1) conform to the billing procedures of a particular service supplier so long as said agreements result in the collection of the tax in confor-

mance with the general purpose and scope of this chapter; or (2) to avoid a hardship where the administrative costs of collection and remittance greatly outweigh the tax benefit. A copy of each such agreement shall be on file in the Tax Administrator's office, and are voidable by the Tax Administrator or the city at any time.

D. The Tax Administrator may conduct an audit, to ensure proper compliance with the requirements of this chapter, of any person required to collect and/or remit a tax pursuant to this chapter. The Tax Administrator shall notify said person of the initiation of an audit in writing. In the absence of fraud or other intentional misconduct, the audit period of review shall not exceed a period of three (3) years next preceding the date of receipt of the written notice by said person from the Tax Administrator. Upon completion of the audit, the Tax Administrator may make a deficiency determination pursuant to Section 3.22.110 of this chapter for all taxes (and applicable penalties and interest) owed and not paid, as evidenced by information provided by such person to the Tax Administrator. If said person is unable or unwilling to provide sufficient records to enable the Tax Administrator to verify compliance with this chapter, the Tax Administrator is authorized to make a reasonable estimate of the deficiency. Said reasonable estimate shall be entitled to a rebuttable presumption of correctness.

E. Upon receipt of a written request of a taxpayer, and for good cause, the Tax Administrator may extend the time for filing any statement required pursuant to this chapter for a period of not to exceed forty-five (45) days, provided that the time for filing the required statement has not already passed when the request is received. No penalty for delinquent payment shall accrue by reason of such extension. Interest shall accrue during said extension at the rate of seventy-five hundredths (0.75) percent per month, prorated for any portion thereof.

F. The Tax Administrator shall determine the eligibility of any person who asserts a right to exemption from, or a refund of, the tax imposed by this chapter.

G. Notwithstanding any provision in this chapter to the contrary, the Tax Administrator may waive any penalty or interest imposed upon a person required to collect and/or remit for failure to collect the tax imposed by this chapter if the noncollection occurred in good faith. In determining whether the noncollection was in good faith, the Tax Administrator shall take into consideration industry practice or other precedence. (Ord. 2695 § 1 (part), 2007)

3.22.140 Records.

A. It shall be the duty of every person required to collect and/or remit to the city any tax imposed by this chapter to keep and preserve, for a period of at least three

(3) years, all records as may be necessary to determine the amount of such tax as he or she may have been liable for the collection of and remittance to the Tax Administrator, which records the Tax Administrator shall have the right to inspect at a reasonable time.

B. The city may issue an administrative subpoena to compel a person to deliver, to the Tax Administrator, copies of all records deemed necessary by the Tax Administrator to establish compliance with this chapter, including the delivery of records in a common electronic format on readily available media if such records are kept electronically by the person in the usual and ordinary course of business. As an alternative to delivering the subpoenaed records to the Tax Administrator on or before the due date provided in the administrative subpoena, such person may provide access to such records outside the city on or before the due date, provided that such person shall reimburse the city for all reasonable travel expenses incurred by the city to inspect those records, including travel, lodging, meals, and other similar expenses, but excluding the normal salary or hourly wages of those persons designated by the city to conduct the inspection.

C. The Tax Administrator is authorized to execute a nondisclosure agreement approved by the City Attorney to protect the confidentiality of customer information pursuant to California Revenue and Tax Code Sections 7284.6 and 7284.7.

D. If a service supplier uses a billing agent or billing aggregator to bill, collect, and/or remit the tax, the service supplier shall: (1) provide to the Tax Administrator the name, address and telephone number of each billing agent and billing aggregator currently authorized by the service supplier to bill, collect, and/or remit the tax to the city; and (2) upon request of the Tax Administrator, deliver, or effect the delivery of, any information or records in the possession of such billing agent or billing aggregator that, in the opinion of the Tax Administrator, is necessary to verify the proper application, calculation, collection and/or remittance of such tax to the city.

E. If any person subject to record-keeping under this section unreasonably denies the Tax Administrator access to such records, or fails to produce the information requested in an administrative subpoena within the time specified, then the Tax Administrator may impose a penalty of five hundred dollars (\$500.00) on such person for each day following: (1) the initial date that the person refuses to provide such access; or (2) the due date for production of records as set forth in the administrative subpoena. This penalty shall be in addition to any other penalty imposed under this chapter. (Ord. 2695 § 1 (part), 2007)

3.22.150 Refunds.

Whenever the amount of any tax has been overpaid or paid more than once or has been erroneously or illegally collected or received by the Tax Administrator under this chapter from a person or service supplier, it may be refunded as provided in this section:

A. The Tax Administrator may refund any tax that has been overpaid or paid more than once or has been erroneously or illegally collected or received by the Tax Administrator under this chapter from a service user or service supplier, provided that no refund shall be paid under the provisions of this section unless the claimant or his or her guardian, conservator, executor, or administrator has submitted a written claim to the Tax Administrator within one year of the overpayment or erroneous or illegal collection of said tax. Such claim must clearly establish claimant's right to the refund by written records showing entitlement thereto. Nothing herein shall permit the filing of a claim on behalf of a class or group of taxpayers unless each member of the class has submitted a written claim under penalty of perjury as provided by this section.

B. The filing of a written claim pursuant to Government Code Section 935 is a prerequisite to any suit thereon. Any action brought against the city pursuant to this section shall be subject to the provisions of Government Code Sections 945.6 and 946. The Tax Administrator, or the City Council where the claim is in excess of five thousand dollars (\$5,000.00), shall act upon the refund claim within the time period set forth in Government Code Section 912.4. If the Tax Administrator/City Council fails or refuses to act on a refund claim within the time prescribed by Government Section 912.4, the claim shall be deemed to have been rejected by the City Council on the last day of the period within which the City Council was required to act upon the claim as provided in Government Code Section 912.4. The Tax Administrator shall give notice of the action in a form which substantially complies with that set forth in Government Code Section 913.

C. Notwithstanding the notice provisions of subsection A of this section, the Tax Administrator may, at his or her discretion, give written permission to a service supplier, who has collected and remitted any amount of tax in excess of the amount of tax imposed by this chapter, to claim credit for such overpayment against the amount of tax which is due the city upon a subsequent monthly return(s) to the Tax Administrator, provided that: (1) such credit is claimed in a return dated no later than one year from the date of overpayment or erroneous collection of said tax; (2) the Tax Administrator is satisfied that the underlying basis and amount of such credit has been reasonably established; and (3) in the case of an overpayment

by a service user to the service supplier that has been remitted to the city, the Tax Administrator has received proof, to his or her satisfaction, that the overpayment has been refunded by the service supplier to the service user in an amount equal to the requested credit.

D. Notwithstanding subsections A through C of this section, above, a service supplier shall be entitled to take any overpayment as a credit against an underpayment whenever such overpayment has been received by the city within the three (3) years next preceding a deficiency determination or assessment by the Tax Administrator in connection with an audit instituted by the Tax Administrator pursuant to Section 3.22.130(D). A service supplier shall not be entitled to said credit unless it clearly establishes the right to the credit by written records showing entitlement thereto. Under no circumstances shall an overpayment taken as a credit against an underpayment pursuant to this section qualify a service supplier for a refund to which it would not otherwise be entitled under the one-year written claim requirement of this section. (Ord. 2695 § 1 (part), 2007)

3.22.160 Appeals.

A. The provisions of this section apply to any decision (other than a decision relating to a refund pursuant to Section 3.22.150 of this chapter), deficiency determination, assessment, or administrative ruling of the Tax Administrator. Any person aggrieved by any decision (other than a decision relating to a refund pursuant to Section 3.22.150 of this chapter), deficiency determination, assessment, or administrative ruling of the Tax Administrator, shall be required to comply with the appeals procedure of this section. Compliance with this section shall be a prerequisite to a suit thereon. (See Government Code Section 935(b)). Nothing herein shall permit the filing of a claim or action on behalf of a class or group of taxpayers.

B. If any person is aggrieved by any decision (other than a decision relating to a refund pursuant to Section 3.22.150 of this chapter), deficiency determination, assessment, or administrative ruling of the Tax Administrator; he or she may appeal to the City Manager by filing a notice of appeal with the City Clerk within fourteen (14) days of the date of the decision, deficiency determination, assessment, or administrative ruling of the Tax Administrator which aggrieved the service user or service supplier.

C. The matter shall be scheduled for hearing before an independent Hearing Officer selected by the City Manager, no more than forty-five (45) days from the receipt of the appeal. The appellant shall be served with notice of the time and place of the hearing, as well as any relevant materials, at least five (5) calendar days prior to the hearing. The hearing may

be continued from time to time upon mutual consent. At the time of the hearing, the appealing party, the Tax Administrator, and any other interested person may present such relevant evidence as he or she may have relating to the determination from which the appeal is taken.

D. Based upon the submission of such evidence and the review of the city's files, the Hearing Officer shall issue a written notice and order upholding, modifying or reversing the determination from which the appeal is taken. The notice shall be given within fourteen (14) days after the conclusion of the hearing and shall state the reasons for the decision. The notice shall specify that the decision is final and that any petition for judicial review shall be filed within ninety (90) days from the date of the decision in accordance with Code of Civil Procedure Section 1094.6.

E. All notices under this section may be sent by regular mail, postage prepaid, and shall be deemed received on the third calendar day following the date of mailing, as established by a proof of mailing. (Ord. 2695 § 1 (part), 2007)

3.22.170 No injunction/writ of mandate.

No injunction or writ of mandate or other legal or equitable process shall issue in any suit, action, or proceeding in any court against this city or against any officer of the city to prevent or enjoin the collection under this chapter of any tax or any amount of tax required to be collected and/or remitted. (Ord. 2695 § 1 (part), 2007)

3.22.180 Notice of changes to chapter.

If a tax under this chapter is added repealed, increased, reduced, or the tax base is changed, the Tax Administrator shall follow the notice requirements of California Public Utilities Code Section 799. (Ord. 2695 § 1 (part), 2007)

3.22.190 Future amendment to cited statute.

Unless specifically provided otherwise, any reference to a state or federal statute in this chapter shall mean such statute as it may be amended from time to time. (Ord. 2695 § 1 (part), 2007)

3.22.200 No increase in tax percentage or change in methodology without voter approval.

A. Regarding Section 3.22.050, the city may not increase the tax percentage or change a methodology for calculating the tax so as to result in an increase in a tax imposed on a person, without voter approval.

B. Notwithstanding subsection A of this section, pursuant to Government Code Section 53750, the city may make the following changes without voter approval:

1. Reduce the percentage rate, and at any time thereafter increase such percentage rate, so long as the subsequent increase does not exceed the rate previously approved by the voters in the enactment of this chapter;

2. Change the methodology so as to reduce the amount of the tax being levied, and at any time thereafter change the methodology, so long as the subsequent change in methodology does not result in an increase in the amount being levied under the methodology previously approved by the voters in the enactment of this chapter;

3. Change a methodology or definition so as to avoid or eliminate a discriminatory tax on taxpayers that are similarly situated, so long as the change does not result in an increase in the amount levied on such class of similarly situated taxpayers under the methodology or definition previously approved by the voters in the enactment of this chapter;

4. Establish a class of persons that is exempt or excepted from one or more taxes hereunder, and at any time thereafter, discontinue such exemption or exception;

5. Decide that all or a part of a tax imposed under Section 3.22.050 should not be enforced for administrative reasons, and at any time thereafter, decide to enforce the full amount of such tax as previously approved by the voters in the enactment of this chapter; or

6. Establish, and at any time thereafter change, the value and/or apportionment (including a "safe harbor" percentage) of taxable and nontaxable services that are bundled or packaged under a combined charge, in response to changes in the marketing of combined services and the components thereof, or in reevaluating the values thereof (See Section 3.22.060). (Ord. 2695 § 1 (part), 2007)

3.22.210 Independent audit of tax collection, exemption, remittance, and expenditure.

The city shall annually verify that the taxes owed under this chapter have been properly applied, exempted, collected, and remitted in accordance with this chapter, and properly expended according to applicable municipal law. The annual verification shall be performed by a qualified independent third party and the review shall employ reasonable, cost-effective steps to assure compliance, including the use of sampling audits. The verification shall not be required of tax remitters where the cost of the verification may exceed the tax revenues to be reviewed. (Ord. 2695 § 1 (part), 2007)

3.22.220 Interaction with prior tax.

A. Satisfaction of Tax Obligation by Service Users. Any person who pays the tax levied pursuant to Section 3.22.050 of this code with respect to any charge for a communication service shall be deemed to have satisfied his or her obligation to pay the tax levied pursuant to Section 3.20.080 of this code with respect to that charge. Likewise, prior to April 1, 2008, any person who pays the tax levied pursuant to Section 3.20.080 of this code with respect to any charge for a service shall be deemed to have satisfied his or her obligation to pay the tax levied pursuant to Section 3.22.050 of this code with respect to that charge. The intent of this section is to prevent the imposition of multiple taxes upon a single utility charge during the transition period from the prior telephone and video users' tax to the new communication users' tax (which transition period ends April 1, 2008) and to permit communications service providers, during that transition period to satisfy their collection obligations by collecting either tax.

B. Collection of Tax by Service Providers. Service providers shall begin to collect the tax imposed by this chapter as soon as feasible after the effective date of the chapter, but in no event later than permitted by Section 799 of the California Public Utilities Code.

C. For purposes of this section, the term "this code" refers to the El Monte Municipal Code. (Ord. 2695 § 1 (part), 2007)

3.22.230 Remedies cumulative.

All remedies and penalties prescribed by this chapter or which are available under any other provision of law or equity, including but not limited to the California False Claims Act (Government Code Section 12650 et seq.) and the California Unfair Practices Act (Business and Professions Code Section 17070 et seq.), are cumulative. The use of one or more remedies by the city shall not bar the use of any other remedy for the purpose of enforcing the provisions of this chapter. (Ord. 2695 § 1 (part), 2007)

Chapter 3.24

PURCHASING SYSTEM

Sections:

- 3.24.010** **Centralized purchasing system established.**
- 3.24.020** **Services excluded.**
- 3.24.030** **Definitions.**
- 3.24.040** **Duties of purchasing agent.**
- 3.24.050** **Estimates of requirements.**
- 3.24.060** **Requisitions.**
- 3.24.070** **Contracts and purchase orders.**
- 3.24.080** **Availability of funds.**
- 3.24.090** **Contract procedure.**
- 3.24.100** **Purchase order procedure.**
- 3.24.110** **Exceptions from centralized purchasing.**
- 3.24.120** **Inspection and testing.**
- 3.24.130** **Surplus supplies and equipment.**
- 3.24.140** **Purchasing procedure manual.**
- 3.24.150** **Waiver.**
- 3.24.160** **Minimum standards for insurance coverage policies.**
- 3.24.170** **Risk Management Committee review and report to the City Administrator.**

3.24.010 Centralized purchasing system established.

In order to establish efficient procedures for the purchase of supplies, materials, equipment and services, to secure for the city supplies, materials, equipment and services at the lowest possible cost commensurate with the quality needed, to exercise positive financial control over purchases, to clearly define and delegate authority for the purchasing function, and to assure the quality of purchases, there is established a centralized purchasing system, under which is defined the authority for the purchase of all supplies, materials, equipment and services required or purchased by or for the city. (Prior code § 2900)

3.24.020 Services excluded.

The term "services" as used in this chapter does not include services rendered by city officers or employees, or professional and other contractual services which, in their nature, are unique and not subject to competition, or such other services as are exempted from competitive bidding under state statutes. (Prior code § 2901)

3.24.030 Definitions.

The term "using department" or "department" as used herein shall include any office or division of city government whose cost of operations is provided by funds of the city over which the Council has any control. (Prior code § 2902)

3.24.040 Duties of purchasing agent.

The person holding the position to which the powers and duties herein specified relating to the contracting for, purchasing, storing, distribution and disposal of supplies, materials, equipment and services have been or hereafter are assigned shall, when exercising such powers or performing such duties, be known as the Purchasing Agent. The Council shall by resolution assign or reassign the powers and duties of Purchasing Agent to any position in the city employ. The Purchasing Agent shall have the authority and it shall be his or her duty to perform the functions set forth in the following subsections:

A. Purchase or contract for supplies, materials, equipment and services required by any using department in accordance with purchasing procedures prescribed by this chapter, and in the purchasing procedure manual adopted for this purpose;

B. Negotiate and recommend execution of contracts for the purchase of supplies, materials, equipment and services;

C. Operate and maintain warehouse and storage facilities for all supplies, materials, and equipment used by more than one department of the city, and maintain proper inventory control records of the contents thereof with the cooperation of the City Controller;

D. Review requests for purchases to determine if they are reasonable in quantity and quality in relation to known needs of the using department, to ascertain that they are within budgetary allotments, and to determine whether supplies already on hand in the warehouse or in other departments can be used to fill the request;

E. Control emergency purchases in accordance with the approved procedures;

F. Prepare and maintain standard specifications for supplies, materials and equipment whenever practicable, and to consolidate and schedule orders for all standard items;

G. Maintain records as to source and supply for types of purchases, bids, bidders' lists and bid quotations;

H. Act to procure for the city the needed quality in supplies, materials, equipment and services at least expense to the city;

I. Discourage uniform bidding and endeavor to obtain competition as full and open as possible on all purchases;

J. Keep himself or herself informed of current developments in the field of purchasing, prices, market conditions, and new products;

K. Prescribe and maintain such forms as are reasonably necessary to the operation of the procedures provided for in this chapter;

L. Supervise the inspection of all supplies, materials, equipment and services purchased to insure conformance with specifications;

M. Cause to be prepared and maintained an inventory record of all capital properties, both real and personal, owned by the city, including land, buildings, improvements and equipment;

N. Recommend the transfer of surplus or unused supplies, materials and equipment between departments as needed and the sale of all supplies, materials and equipment which cannot be used by any city agency or which have become unsuitable for city use, in conformance with the adopted procedures;

O. Cause to be delivered or distributed to the using department all supplies, materials and equipment purchased specifically for such department, and cause to be distributed to the using department from available warehouse or stockroom items on hand, supplies, materials and equipment when requisitioned by any department. (Prior code §§ 2903—2903.15)

3.24.050 Estimates of requirements.

All using departments shall file retailed estimates of their requirements in supplies, materials, equipment and services in such manner, at such time, and for such future periods as the Purchasing Agent shall prescribe. (Prior code § 2904)

3.24.060 Requisitions.

Using departments shall submit requests for supplies, materials, equipment and services to the Purchasing Agent by standard requisition forms as specified in the purchasing procedure manual. (Prior code § 2905)

3.24.070 Contracts and purchase orders.

All purchase of supplies, material and services in excess of two thousand five hundred dollars (\$2,500.00) and equipment in excess of one thousand dollars (\$1,000.00) shall be made only by purchase order or by contract, issued and executed as hereinafter provided. All purchases of supplies, materials and services under two thousand five hundred dollars (\$2,500.00) or equipment under one thousand dollars (\$1,000.00) shall require department head approval. (Ord. 2587 § 1, 2003: Ord. 2564 § 1, 2002: prior code § 2906)

3.24.080 Availability of funds.

The Purchasing Agent shall not issue any purchase orders for supplies, materials, equipment or services in excess of one thousand dollars (\$1,000.00) unless there exists an unencumbered amount in the current fiscal budget against which said purchase is to be or may be charged. (Ord. 2561 § 1, 2002: prior code § 2907)

3.24.090 Contract procedure.

Except as otherwise provided by the Council or except as otherwise specified in this chapter, purchases and contracts for supplies, materials, equipment and services and the sale of personal property of estimated value greater than five thousand dollars (\$5,000.00) shall be by written contract with the lowest or highest responsible bidder, as the case may be, pursuant to the procedure prescribed in this chapter.

A. Notice Inviting Bids. Notices inviting bids shall include a general description of the articles to be purchased or sold, shall state where bid blanks and specifications may be secured, and the time and place for opening bids.

B. Published Notice. Notice inviting bids shall be published at least ten (10) days before the date of opening of the bids. Notice shall be published at least once in a newspaper of general circulation printed and published in the city, or if there is none it shall be posted in at least three (3) public places in the city that have been designated by the Council by resolution as the places for posting public notices.

C. Bidders' List. The Purchasing Agent shall also solicit sealed bids from all responsible prospective suppliers whose names are on the bidders' list or who have requested their names to be added thereto.

D. Bidder's Security. When deemed necessary by the Purchasing Agent, bidder's security may be prescribed in the public notices inviting bids. If bid security is prescribed, the same type and rate of security shall be required of each bidder, and no contract may be awarded to any bidder failing to post the required bid security except upon approval of the Council. Each bidder shall be entitled to the return of his bid security within thirty (30) days after the opening of bids for which security was posted, or upon execution of a contract with the city by the successful bidder, whichever first occurs; provided that a successful bidder shall forfeit his bid security upon refusal or failure to execute the contract within ten (10) days after the notice of award of contract has been mailed, unless the city is responsible for the delay. The Council may, on refusal or failure of the successful bidder to execute the contract, award it to the next lowest responsible bidder. If the

Council awards the contract to the next lowest bidder, the amount of the lowest bidder's security shall be applied by the city to the difference between the low bid and the second lowest bid, and the surplus, if any, shall be returned to the lowest bidder.

E. Bid Opening Procedure. Sealed bids shall be submitted to the Purchasing Agent and shall be specifically identified as bids on the envelope. Bids shall be opened in public at the time and place stated in the public notices. A tabulation of all bids received shall be open for public inspection during regular business hours for a period of not less than thirty (30) calendar days after the bid opening.

F. Rejection of Bids. At its discretion, the Council may reject any and all bids presented and readvertise for bids.

G. Award of Contracts. Contracts shall be awarded by the Council to the lowest responsible bidder except as otherwise provided in this chapter.

H. Tie Bids. If two (2) or more bids received are for the same total amount or unit price, quality and service being equal, and if the public interest will not permit the delay of readvertising for bids, the Council may accept the one it chooses or accept the lowest bid made by negotiation with the tie bidders at the time of the bid opening.

I. Performance Bonds. The Council shall have authority to require a performance bond before entering a contract in such amount as it shall find reasonably necessary to protect the best interests of the city. If the Council requires a performance bond, the form and amount of the bond shall be described in the notice inviting bids. (Prior code §§ 2908—2908.9)

3.24.100 Purchase order procedure.

Purchase of supplies, materials, equipment and services, and sales of personal property of an estimated value in the amount of five thousand dollars (\$5,000.00) or less may be made by the Purchasing Agent in the open market, without complying with the provisions of Section 3.24.090; provided, however, that when the amount of purchase or sale involved is one thousand dollars (\$1,000.00) or less, or where the commodity can be obtained from only one vendor, no written quotations shall be required; when the amount of the purchase or sale involved is more than two thousand five hundred dollars (\$2,500.00), at least three (3) written quotations shall be obtained; and when the amount of the purchase or sale involved is more than two thousand five hundred dollars (\$2,500.00) but not over five thousand dollars (\$5,000.00), at least six (6) written quotations shall be obtained; provided further, however that the number of quotations hereby required, need not exceed the number of vendors

from whom the commodity can be obtained or to whom it may be sold.

A. Quotations. Open market purchases shall, whatever practical, be based on at least three (3) quotations.

B. Request for Quotations. The Purchasing Agent shall solicit quotations from prospective vendors pursuant to the regulations of the Purchasing Procedure Manual.

C. Retention of Quotations. The Purchasing Agent shall keep a record of all open market purchase orders and quotations for a period of one year after the submission of quotations or the placing of orders. This record, while so kept, shall be open to public inspection.

D. Emergency Provisions. Upon approval of the Administrative Officer, when an emergency requires that an order be placed with the nearest available source of supply, supplies, materials, equipment or services may be purchased without complying with any of the bidding procedures specified in Sections 3.24.090 and 3.24.100. (Ord. 2560 § 1, 2002: prior code §§ 2909—2910)

3.24.110 Exceptions from centralized purchasing.

The Purchasing Agent, with approval of the Council, may in writing authorize any department to purchase or contract for specified supplies, materials, equipment and services independently of the Purchasing Agent. The Purchasing Agent shall ascertain that all purchases or contracts thus made conform with all other procedures established by this chapter, and shall obtain periodic reports on the purchases and contracts made under such written authorization from each department making the same. (Prior code § 2911)

3.24.120 Inspection and testing.

The Purchasing Agent shall inspect supplies, materials and equipment delivered and services performed, to determine their conformance with the specifications set forth in the order or contract. The Purchasing Agent shall have authority to require chemical and physical tests of samples submitted with bids and samples of deliveries if necessary to determine their quality and conformance with specifications. (Prior code § 2912)

3.24.130 Surplus supplies and equipment.

All using departments shall submit to the Purchasing Agent, at such times and in such form as he/she shall prescribe, reports showing all supplies and equipment which are no longer used or which have become obsolete or worn out. The Purchasing Agent, upon approval of the Council, shall have authority to sell all supplies and equipment which cannot be used by any department or which have become unsuitable for city use, or to exchange the same for, or trade in the same on, new supplies and equipment. Such sales shall be made pursuant

to Sections 3.24.090 or 3.24.100, whichever is applicable. The proceeds of any such sale shall be credited to the fund from which the purchase price thereof was originally paid, but such proceeds shall be unbudgeted surplus in such fund until appropriated by the Council. (Prior code § 2913)

3.24.140 Purchasing procedure manual.

The Purchasing Agent shall prepare a purchasing procedure manual so that all concerned may have a clear definition and understanding of the aims and purposes of this chapter. The purchasing procedure manual shall describe and explain in detail the procedures that the using department must follow in the procurement of goods and services and shall include among other things samples of the various forms necessary to carry out the intent of this chapter.

A. The purchasing procedure manual shall be submitted to the Council for approval and when in the form approved by the Council shall be adopted by resolution of the Council.

B. After the procedure manual is adopted by the Council, the City Clerk shall at all times keep three (3) copies thereof in the office of the City Clerk and open to public inspection. An adequate supply of additional copies of the purchasing procedure manual shall be maintained for sale to the public at a cost not to exceed its cost to the city. (Prior code §§ 2914—2914.2)

3.24.150 Waiver.

After notice of failure to comply with one or more provisions of this chapter, the Council may declare void any transaction not in conformity herewith, or may waive any irregularity or noncompliance herewith with respect to such transaction. The noncompliance with the provisions of this chapter by the Purchasing Agent or by any other city officer or employee shall, in addition to any other applicable penalty, constitute grounds for disciplinary action, including dismissal, unless the Administrative Officer, after notice thereof, in writing waives such noncompliance in matters wherein he could have initially approved the action taken, or in other matters unless the Council, after notice, waives the noncompliance by the vote of a majority of its members entered in the Council minutes. (Prior code § 2915)

3.24.160 Minimum standards for insurance coverage policies.

Every third party vendor and/or other party who has any business transactions with the city, or any of its subordinate agencies or functions, shall obtain insurance coverage, which shall be submitted to the city prior to

conducting any business within the city which contains the following minimum standards applicable to all proof of insurance policies which name the city (and/or its subordinate agency) as appropriate as an "additional insured" as required by statute, regulation or ordinance of the city:

A. The policy of insurance as required, must be issued by a carrier licensed by the state of California Department of Insurance to sell liability insurance in the state and be a member of the California Insurance Guarantee Fund with a minimum A.M. Best rating of B + VII or a comparable rating under standards applicable to insurance companies as stated from time to time by Standard and Poors, Moody's or Fitch Investors Services for insurance rating purposes; and

B. Subject to further specific review in each particular instance by the City Administrator of the regulatory program or contract which may require the city to be identified as an "additional insured," the policy shall contain at a minimum policy limits of not less than three hundred thousand dollars (\$300,000.00) combined single limit per occurrence or limits of not less than one hundred thousand dollars (\$100,000.00) per person, three hundred thousand dollars (\$300,000.00) per accident, and fifty thousand dollars (\$50,000.00) for property damage. Such insurance may include a property damage deductible not greater than two thousand five hundred dollars (\$2,500.00) per occurrence. The City Administrator, shall authorize higher policy limits in a particular case in which then past practice of the affected department or operation has been to require higher policy limits, or where contract specifications as applicable under a statute or regulation or contract may call for higher policy limits or where higher policy limits are in the option of the City Administrator; prudent and consistent with the procedures for contract administration insurance requirements as specified in the Independent Cities Risk Management Authority document entitled "Insurance Certificates and Endorsements," Section 11 and Section 12 of a document entitled "Operation and Risk Management Manual," dated 1988; and

C. The policy shall name the city, its City Council and its officers, agents and employees as additional insureds; and shall be primary to and not contributing to any other insurance maintained by the city; and

D. The policy shall provide for written notice to be submitted to the city, thirty (30) days prior to any cancellation or modification of the policy;

E. A certificate of insurance which conforms to subsections A—D of this section shall be submitted to the city, as required by statute, regulation or ordinance of the city. (Prior code § 2920)

3.24.170

**3.24.170 Risk Management Committee
review and report to the City
Administrator.**

Commencing on October 1, 1993 and on each October 1st thereafter the Risk Management Committee of the city shall prepare a written report to the City Administrator which contains a description of the program established by the city to monitor and verify compliance with the provisions of Section 3.24.160. The report shall also contain recommendations as may be necessary for modification of such a program of monitory and compliance. (Prior code § 2921)

Chapter 3.26

award informal contracts pursuant to this section. (Ord. 2614 § 1 (part), 2004)

**UNIFORM PUBLIC CONSTRUCTION COST
ACCOUNTING PROCEDURES**

Sections:

- | | |
|-----------------|--|
| 3.26.010 | Informal bid procedures. |
| 3.26.020 | Contractors list. |
| 3.26.030 | Notice of inviting informal bids. |
| 3.26.040 | Award of contracts. |

3.26.010 Informal bid procedures.

Public projects, as defined by the Uniform Public Construction Cost Accounting Act and in accordance with the limits listed in Section 22032 of the Public Contract Code, may be let to contract by informal procedures as set forth in Section 22032, et seq., of the Public Contract Code. (Ord. 2614 § 1 (part), 2004)

3.26.020 Contractors list.

A list of contractors shall be developed and maintained in accordance with the provision of Section 22034 of the Public Contract Code and criteria promulgated from time to time by the California Uniform Construction Cost Accounting Commission. (Ord. 2614 § 1 (part), 2004)

3.26.030 Notice of inviting informal bids.

Where a public project is to be performed which is subject to the provision of this chapter, a notice inviting informal bids shall be mailed to all contractors for the category of work to be bid, as shown on the list developed in accordance with Section 3.26.020. Additional contractors and/or construction trade journals may be notified at the discretion of the City Manager or the city department or division authorized by the City Manager to solicit bids; provided however:

A. If there is no list of qualified contractors maintained by the city of El Monte for the particular category of work to be performed, the notice inviting bids shall be sent only to the construction trade journals specified by the Commission.

B. If the product or service is proprietary in nature such that it can be obtained only from a certain contractor or contractors, the notice inviting informal bids may be sent exclusively to such contractor or contractors. (Ord. 2614 § 1 (part), 2004)

3.26.040 Award of contracts.

Upon the submission of a written request and recommendation from the city department or division seeking to award a contract, the City Manager shall be authorized to

Chapter 3.28**FUND ACCOUNTS****Sections:****3.28.010 Fund accounts.****3.28.010 Fund accounts.**

The City Administrator is empowered, subject to the approval of the City Council, to establish fund accounts for all departmental funds of the city. (Added during 1999 recodification)

Title 4

(RESERVED)

Do Not File...

Insert

*5 Business
Licences &
Regulations*

Tab Here



Title 5

BUSINESS LICENSES AND REGULATIONS

Chapters:

- 5.04 Business Licenses Generally**
- 5.08 Business License Taxes**
- 5.12 Business Permits Generally**
- 5.16 Adult-Oriented Businesses**
- 5.17 Medical Marijuana Dispensaries**
- 5.20 Automobile Junk Dealers**
- 5.24 Bingo Games**
- 5.25 Use of Shopping and Laundry Carts**
- 5.28 Closing Out Sales**
- 5.32 Dances and Dance Halls**
- 5.36 Firearms Sales**
- 5.40 Fundraising Events**
- 5.44 Garage Sales**
- 5.48 Hotel and Motel Regulations**
- 5.52 Junk and Salvage Dealers**
- 5.56 Massage Parlors and Massage Technicians**
- 5.58 Seizure and Forfeiture of Vehicles Used to Solicit Prostitution or Used to Acquire or Attempt to Acquire Controlled Substances**
- 5.60 Model Studios and Picture Arcades**
- 5.64 Motion Picture and Television Productions**
- 5.68 Pawnbrokers and Secondhand Dealers**
- 5.72 Peddlers, Solicitors and Itinerant Vendors**
- 5.76 Pool and Billiard Halls**
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- 5.84 Tip Sheet Sales**
- 5.88 Taxicabs**
- 5.92 Transportation Demand Management Program**
- 5.96 Miscellaneous Business Permits**
- 5.98 Adult Business License Regulations**
- 5.102 Alarm Systems, False Alarms and Penalties**

Chapter 5.04

BUSINESS LICENSES GENERALLY

Sections:

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5.04.020	Purpose.
5.04.030	Not substitute for other charges.
5.04.040	License required.
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5.04.250	Penalty amount.
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5.04.300	Forfeiture upon cancellation.
5.04.310	License fees to be as designated.
5.04.320	Appointment of fees.
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5.04.340	Posting and keeping licenses.
5.04.350	License a debt.
5.04.360	Criminal and civil action for failure to pay tax.
5.04.370	Nuisances and unlawful businesses not authorized.

5.04.010 Definitions.

For the purpose of this chapter certain words and

phrases shall be construed as herein set forth, unless it is apparent from the context that a different meaning is intended.

“Advertising vehicle” means the business of operating, using or parking upon the street any wheeled vehicle equipped with music or a musical device, loud speaker, bells, chimes, sound amplifier of any kind, flood lights, kleig lights, search lights, or other device for attracting attention, regardless of whose goods, business or profession is thus advertised, or who operates or parks upon the street any wheeled vehicles solely for advertising purposes, and to which wheeled vehicles there are attached signs, placards, billboards, or other advertising matter.

“Builder” means any person constructing, reconstructing, erecting or repairing a building, dwelling or structure not intended for his or her own occupancy.

“Bulk vending machine” means a nonelectrically operated vending machine, containing unsorted confections, nuts or merchandise which upon insertion of a coin, dispenses the same in equal portions, at random and without selection by the customer.

“Business” means all professions, trades, occupations, and callings carried on for profit or livelihood, including every kind of commercial enterprise.

“Business by vehicle” means the business of running, driving or operating any automobile, automobile truck, automobile tank wagon, or any vehicle used for transportation, selling, collection or delivery of goods or other personal property of any kind from a vehicle, either as his, her or its principal business, or in connection with any other business, or of soliciting for work, labor, or services to be performed upon the public street, in or from a vehicle, or to be performed on goods or other personal property to be taken for such purpose to a plant or establishment inside or outside the city limits of the city.

The term shall be deemed to apply to the delivery of goods purchased by retail merchants in the city at wholesale prices and delivered to said merchants in said city for resale by them for use or consumption by the public, but shall not apply to persons operating such vehicles together with and in conjunction with a fixed place of business within the city, for which such business a license fee is paid under other provisions of this chapter, nor shall the term apply to the pick-up from or delivery to assembly or manufacturing plants located within the City and licensed to do business under the provisions of this chapter, of goods, wares or material used in the assembly or manufacture of articles for sale to or consumption by the public or public agencies.

The provisions of this chapter are not to be construed as imposing a tax upon vehicles, but as a method of

classification of businesses and distinguishing between those maintaining a fixed place of business in the conduct of which vehicles are used, and those maintaining a business in the conduct of which vehicles are used but who do not have a fixed place of business in the city.

"Conduct," "manage," and "carry on" means the conducting, managing, and carrying on of a business either as owner, officer, agent, manager, employee, servant or lessee.

"Contractor" means any person, except an owner who contracts for a project with a licensed contractor or contractors or a licensed architect or a registered civil engineer acting solely in his or her professional capacity, who in any capacity other than as the employee of another with wages as the sole compensation, undertakes to or offers to undertake to or submits a bid to, or does him or herself or by or through others, construct, alter, repair, add to, subtract from, improve, move, wreck or demolish any building highway, road, railroad, excavation or other structure, project, development or improvement, or to do any part thereon, including the erection of scaffolding or other structures or works in connection therewith. A contractor in the meaning of this chapter includes subcontractors or specialty contractors, and builders as hereinabove defined, but does not include any one who merely furnishes materials or supplies without fabricating work of the contractor.

"Cost of operation" means an amount which is equivalent to the volume of business performed in the city during the licensing period, where the business of any local office, facility, agent, broker, or employee situated within the city, is that of performing administrative or management-related services, or manufacturing services in connection with sales or services performed or rendered elsewhere. The cost of operation of a particular business shall be computed by determining the total cost of maintaining and operating said local office, facility, agent, broker or employee. The total cost of maintaining its local office, facility, agent, broker or employee shall include, but is not limited to the wages, salaries, commissions, bonuses, rent, and/or depreciation, telephone, postage, utilities, janitorial and other expenses allocated for the maintenance of said office, facility, agent, broker or employee.

"Curing" means any process whereby a skin, hide, or any decaying substance is processed for the preservation thereof.

"Day" means any period of twenty-four (24) consecutive hours commencing at midnight, or any part of such a period.

"Devices and contraptions" means the business of exhibiting, showing or letting the use of any microscope,

phonograph or any kinetoscope, giograph, projectoscope or other instrument or machine of like character, lung tester, muscle tester, galvanic battery, weighing machine, ball, knife or ring throwing, and all devices or contraptions of a similar nature. Each such device or contraption shall be considered and licensed as a separate business.

"Embalming" means any method of treating a skin, hide or other substance with special preparation in order to prevent decay.

"Fire, wreck, bankrupt, or damaged goods sale" means the sale of goods salvaged from a fire, wreck, or other calamity, or a sale of goods of a bankrupt or purchased from a receiver in bankruptcy, or a sale of goods advertised as either a fire, wreck, bankrupt, or damaged goods sale, but shall not include the sale of goods salvaged from any fire, wreck, or other calamity occurring in the city, nor for the sale of goods by any person, sold or advertised as bankrupt stock, where such goods were, immediately prior to the insolvency of such person, offered for sale from a regularly established place of business in the city.

"Fortunetelling" means and includes the business, practice or avocation of palmistry, phrenology, line-reading, fortunetelling, card reading, psychology, cartomancy, clairvoyance, clair audiences, crystal gazing, hypnotism, mediumship, prophecy, augury, divination, magic or necromancy, when a fee, collection, gratuity, or remuneration is charged, solicited or received.

"Gross receipts" means the gross receipts for the calendar year, or portion thereof, and is defined as follows:

The total amount of the sale prices of all sales; the total amount charged or received for the performance of any act, service or employment of whatever nature it may be, whether such service, act or employment is done as a part of or in connection with the sale of goods or not, for which charge is made or credit allowed, including all receipts, cash, credits and property of any kind and nature, any amount for which credit is allowed by the seller to the purchaser without any deduction therefrom on account of the cost of the property sold, the cost of the material used, labor or service costs, interest paid or payable, losses or any other expense whatsoever; provided that cash discounts allowed or taken on sales shall not be included, and in this chapter shall not be construed to impose a tax upon any business or transaction which the city is not authorized to license or tax under any law of the state or of the United States. Any tax required by law to be included in or added to the purchase price and collected from the consumer or purchaser, and such part of the sales price of any property previously sold returned by the purchaser to the seller which is refunded by the

of the sales price of any property previously sold returned by the purchaser to the seller which is refunded by the seller by way of cash or credit allowances given or taken as part payment on any property so accepted for resale, shall be deducted for the purpose of determining gross receipts herein.

"Incidental advertising by vehicle" means the advertising by means of signs, banners or posters painted on or affixed to a vehicle which is used principally for some purpose other than advertising, and which signs, banners or posters advertise the goods, business or profession of any person other than the owner or lessee of such vehicle.

"Itinerant vendor" means any person who engages in a temporary or transient business in the city, selling goods or any other thing of value with the intention of conducting such business in the city for a period of not more than ninety (90) days, and who, for the purpose of carrying on such business, hires, leases or occupies any room, doorway, vacant lot, building or other place for the exhibiting or sale of goods, or other thing of value. If the place in which a business is conducted is rented or leased for a period of ninety (90) days or less, such fact shall be presumptive evidence that the business carried on therein is a transient business.

"License collector" means the Finance Director who is made ex-officio the License Collector.

"License tax" is synonymous with license fee and business tax. Any reference to a business license in this code shall mean a city business tax receipt and any reference to a license tax or license fee shall mean a business tax. Use of the word "license" shall not mean nor give any right to any person to occupy a premises for the purpose of conducting business therein.

"Medicine show" means the business of dealing in medicines other than as conducted by a regularly established drug store, or peddling the same, or treating diseases of the human body, or calling attention to wares or method of treatment or advertising the same by use of music, entertainment, speech or other device.

"Motor bus" means any motor-propelled vehicle operated over any of the streets of the city for the purpose of carrying passengers for hire and which within the city regularly receives and discharges passengers along the route traversed by any such vehicle and which is operated or run over a particular route or to a particular point or between particular points, whether one or both points be within the city or whether the streets of the city are used en route from one point to another, both of which points are within the city, other than a motor bus used for the transportation of teachers or children to or from the public

schools and where other passengers are nor carried for hire.

"Noncommercial car wash" means and includes any car wash or automobile laundry conducted by any person, group of persons, or organization where such car wash activity is not a regular part or function of an established business licensed as a commercial car wash whereat a fee is charged for such car wash service regardless of whether such car wash is for charitable, promotional or fund-raising purposes.

"Peddling" means the act of going from house to house, place to place, or in or along the street, within the city, selling and making immediate delivery or offering for sale and immediate delivery, any goods or anything of value in possession of the peddler, or services of the peddler, to persons other than manufacturers, wholesalers, jobbers or retailers in such commodities. Peddling shall not include business by vehicle as herein described.

"Preserving" means any art or process whereby any skin, hide or any substance is treated for the purpose of keeping the same from injury by decay.

"Private dance" means any dance which is not advertised publicly, and to which the general public is not invited, and to which no admission is charged, and at which no offering is accepted or any collection taken, and where nothing of value is requested or required for admission other than membership so the group for and by whom the dance is given, and admission to which is limited to members and guests of members of the group for and by whom the dance is given.

"Proprietary advertising by vehicle" means the advertising by means of signs, banners or posters painted on or affixed to any vehicle and advertising the goods, business, or profession of the owner or lessee of such vehicle.

"Public dance" means any dance other than a private dance.

"Soliciting" means the act of going from house to house, place to place, or in or along the streets within the city, selling or taking orders for goods or other things of value for future delivery, or for services to be performed in the future, but "soliciting" shall not include the soliciting by bona fide representatives of manufacturers, jobbers, brokers or wholesale establishments wherever located, of orders from established places of business located in the city and licensed under any of the provisions of this chapter.

"Spiritual specialty shop" means any establishment whose primary business is the sale of, or providing instruction on the use of natural herbs, dry goods, health products, charms, non-pharmaceutical medicinal type products, and religious or spiritual items. Spiritual specialty shop

includes, but is not limited to, botanicas, herbal medicine stores with sales of spiritual items, and similar uses.

"Tanning" means any art or process by which a skin or hide is tanned.

"Taxicab" means every automobile or motor-propelled vehicle used for the transportation of passengers over the public streets of the city, for compensation and irrespective of whether the operations extend beyond the boundary limits of the city, at rates for distance traveled or for waiting time or for both. (Ord. 2671 § 1, 2006; prior code §§ 6100—6100.30)

5.04.020 Purpose.

This chapter is enacted for the purpose of raising and providing revenue for the city for municipal purposes and for the purpose of regulating the businesses, callings, professions, exhibitions and occupations specified herein, except such of them as are exclusively regulated by the state or other governmental agency, and all license fees fixed by this chapter shall be deemed to have been fixed for each of such purposes. (Prior code § 6101)

5.04.030 Not substitute for other charges.

Any person required to pay a license for transacting and carrying on any business under Chapter 5.08 of this title shall remain subject to the regulatory provisions of other chapters of this code which are not in direct conflict with this chapter. No license imposed by Chapter 5.08 of this title shall be in lieu of inspection, application or investigation fees required by any other chapter. (Prior code § 6102)

5.04.040 License required.

There are imposed upon the businesses, trades, professions, callings and occupations specified in this chapter, license taxes in the amounts hereinafter prescribed. No person shall engage in business or transact and carry on any business, trade, profession, calling or occupation in the city, without first having procured a license from the city and fully complying with any and all other provisions of the code relating to such business.

A. **Employees Excluded.** No person who is an employee or who is the direct representative of a licensee shall be required to pay a license for doing of any part of the work of such licensee.

B. **Each Business.** Every person who operates any business, whether upon a cost, rental or commission basis or as a concession or upon rented floor space in or upon the premises of any person licensed under any provision of this chapter, shall be required to obtain a separate and independent license pursuant to the appropriate provisions

hereof, and shall be subject to all provisions of this chapter.

C. **Branch Establishments.** A separate license must be obtained for each branch establishment or location of the business transacted and carried on, and for each separate type of business at the same location, and each license shall authorize the licensee to transact and carry on only the business licensed thereby at the location or in the manner designated in such license; provided that warehouses and distributing plants used in connection with and incidental to a business licensed under the provisions of this chapter shall not be deemed to be separate places of business or branch establishments, and provided further that any person carrying on a business at one location containing several departments, all of which are presided over and carried on exclusively by such person as proprietor or by members of his or her immediate family (parents, spouse or children), shall be required to pay only one license fee which shall be the full license fee of whichever business calls for the highest license fee, and provided further that but one license shall be required for the business of sales conducted exclusively by means of bulk vending machines, regardless of the number of locations.

D. **Separate Violations.** The conduct, management or carrying on of business in the city without first having procured a license from the city so to do, or without complying with any or all of the provisions of this chapter pertaining to such business, shall be deemed a separate violation hereof for each and every day that such business is carried on. (Prior code §§ 6103—6107)

5.04.050 Illegal business prohibited.

The issuance of a license under this chapter shall not entitle the licensee to engage in any business which for any reason is in violation of any law or other section of this code. (Prior code § 6108)

5.04.060 Denial of license.

Subject to appeal pursuant to Section 5.04.210, the License Officer may refuse to issue a license under this chapter if he or she has evidence that applicant has in the conduct of the same or any similar business been guilty of fraud, misrepresentation or conduct detrimental to the public welfare. If upon appeal the Council directs the issuance of a license, it may impose such conditions as it deems necessary to protect the public welfare. (Prior code § 6108.1)

5.04.070 License not assignable.

No license hereunder shall be transferred or assigned, nor shall such license be construed as authorizing any person

other than the licensee to engage in the licensed business.
(Prior code § 6109)

5.04.080 Exemptions.

Nothing in this chapter and Chapter 5.08 of this title shall be deemed or construed to apply to any person transacting and carrying on any business exempt by virtue of the Constitution or applicable statutes of the United States or of the state from the payment to municipal corporations of such taxes as are herein prescribed.

A. Utilities. Any public utility operating under a franchise from the city and paying a franchise tax thereunder is subject to the provisions of this chapter to the

extent of any retail business in which any such utility may engage in the city, but not otherwise.

B. Claims Of. Every person claiming to be entitled to exemption from payment of any license fee provided for in this chapter or Chapter 5.08 of this title upon the grounds that the imposition of such fee casts an unlawful burden upon his or her right to engage in commerce with foreign nations or among the several states or conflicts with the regulation of interstate commerce by the United States, shall file a verified statement with the officer or employee of the city having charge of the collection of licenses, disclosing the interstate or other character of his or her business entitling him or her to such exemption. Such statement shall state the name and location of the person for which the orders are to be solicited or secured, the name of the nearest local or state manager (if any) and his or her address, the kind of goods, wares, merchandise, or services to be delivered or performed, the place from which the same are to be shipped or forwarded or the services performed, the method of solicitation or taking of orders, the location of any warehouse, factory, or plant within the state, the method of delivery, the name and location of the residence of the applicant, and any other facts necessary to establish such claim of exemption. A copy of the order blank, contract form, or other papers used by such person in taking orders shall be attached to the affidavit. If it appears that the applicant is entitled to such exemption, such applicant shall forthwith be issued a free license.

C. Charity. The provisions of this chapter or Chapter 5.08 of this title shall not be deemed or construed to require the payment of a license fee to conduct, manage, or carry on any business, or require the payment of any license fee from any institution or organization which is conducted, managed, or carried on wholly for the benefit of charitable purposes and from which profit is not derived, either directly or indirectly, by any person. No license tax payment shall be required for the conducting of any historical, literary or religious entertainment, dance, concert, exhibition, or lecture on scientific or moral subjects whenever the receipts from the same are to be appropriated for the purposes and objects for which such association or organization was formed, and from which profit is not derived, either directly or indirectly, by any person. Nothing in this section contained shall be deemed to exempt any such institution or organization from complying with the provision of this code requiring such institution or organization to obtain a permit from the Council or proper officer to conduct, manage or carry on any business, when a permit is otherwise required, nor to exempt such institution or organization from obtaining a free license as herein required.

D. Veterans. Honorably discharged, disabled war veterans of the United States shall be entitled to receive free licenses for peddling or soliciting any goods except junk, provided that said persons first exhibit to the License Collector evidence of such character as shall satisfy the License Collector that the veteran applying therefor has received an honorable discharge from the United States service and of service connected disability. Applicants for free licenses under this section shall be required to comply with all other provisions of this chapter pertaining to peddling or soliciting.

E. Blind. Upon application to the City Council by or on behalf of a blind person, the City Council may, by the vote of a majority of its members entered upon the Council minutes, exempt a blind person employing not more than one person from the payment of any license fee otherwise due or payable under this chapter, and order the License Collector to issue a free license to such blind person upon such terms and conditions as the Council may in each case prescribe. Applicants for free licenses under this section shall be required to comply with all other provisions of this chapter.

F. Affidavit. Any person claiming an exemption shall file a verified statement or sworn affidavit with the License Collector stating the facts upon which exemption is claimed.

G. Exempt License. The License Collector shall, upon a proper showing contained in the verified statement or sworn affidavit, issue a license to such person claiming exemption without payment to the city of the license tax required by this chapter. In all cases of doubt as to any applicant being entitled to an exemption from any license tax, or from the application of any of the provisions of this chapter or Chapter 5.08 of this title, the License Collector shall disallow the claim to exemption, and the burden of establishing the right of such exemption shall be upon the applicant.

H. Appeal. In the event the License Collector disallows a claim to an exemption, the applicant therefore shall be entitled to a hearing before the Council upon written request therefore filed with the City Clerk, and the Council shall consider the request for exemption as the first regular meeting or adjourned regular meeting of the Council following the filing of such written request for hearing. The Council may consider such request as any special meeting. At such hearing the Council shall hear all available relevant testimony concerning the claim to exemption, and may continue such hearing from time to time for the purpose of obtaining new or additional testimony. Upon the conclusion of such hearing the Council shall allow or disallow the claim to exemptions, and the decision of the Council shall be final. If the

Council allows the claim to exemption, the License Collector shall forthwith issue to applicant the license applied for upon compliance by applicant with all other provisions of this Code, relating to the business for which a license was applied for. If the Council disallows the claim to exemption, the License Collector shall issue no business license to such applicant until such applicant shall have paid the required license fees and complied with all other provisions of this Code relating to the business for which application was made. (Amended during 1999 recodification; prior code §§ 6110—6114.1, 6117—6119)

5.04.090 Application—Issuance of license and administrative processing charge.

Every person required to have or obtain a license hereunder shall, not more than thirty (30) days prior to the effective date of such license, apply to the License Collector for such license and pay or tender to the License Collector the amount of the tax therefore. Upon receipt of such application together with the amount of the tax and the administrative processing charge, the License Collector shall prepare and issue to every such person a license, except in those cases where other provision is made, in such form as the License Collector shall provide, which license shall state the amount of the license tax and charges paid therefore, the duration of the license, the name of the person to whom issued, the nature of the business licensed and the location or place where such business is to be conducted. In addition to the amount of the tax as payable to the city, each person required to obtain a license hereunder, except such persons or organizations engaged in a charitable or nonprofit activity, shall also pay to the License Collector as a separate administrative processing charge the sum of twenty-five dollars (\$25.00) upon the submission of an application for the issuance of a license. (Prior code § 6120)

5.04.100 New business.

A. Upon a person making application for a newly established business and in all cases where the amount of license tax to be paid is based upon gross receipts, such person shall furnish to the License Collector, for his or her guidance in ascertaining the amount of license tax to be paid by the applicant, a written statement, upon a form provided by the License Collector and executed by the applicant under penalty of perjury setting forth such information as may be therein required and as may be necessary properly to determine the amount of the license tax to be paid by the applicant.

B. Gross Receipts Basis. If the amount of the license tax to be paid by the applicant for a newly established business is based upon the gross receipts of such business, he or she shall estimate the gross receipts for the initial period to be covered by the license to be issued. Such estimate, if acceptable to the License Collector as reasonable, shall be used in determining the amount of license tax to be paid by the applicant, provided, however, the amount of the license tax to be determined shall be tentative only, and such person shall within thirty (30) days after the expiration of the period for which such license was issued, furnish the License Collector with a statement, upon a form furnished by the License Collector, showing the gross receipts during the period of such license, and the license tax for such period shall be finally ascertained and paid in the manner provided by this chapter for the ascertaining and paying of renewal license taxes for other businesses.

C. Renewal Application. The applicant for the renewal of a license based upon gross receipts shall, within thirty (30) days after the close of the preceding license period, submit to the License Collector a written statement upon a form to be provided by the License Collector and executed by applicant under penalty of perjury, setting forth such information concerning applicant's business during the preceding year as may be required by said License Collector to enable him or her to ascertain the amount of the license tax to be paid by said applicant pursuant to the provisions of this chapter.

D. Renewal License Fee. The renewal license fee based upon gross receipts shall be the amount due calculated upon the gross receipts of such business during the preceding year.

E. Licensee in Default. The License Collector shall not issue to any such person another license for the same or any other business, until such person shall have furnished to him or her the written statement and paid the license tax as required by the preceding section. (Amended during 1999 recodification; prior code §§ 6121—6122)

5.04.110 Effect of mistake.

In no event shall any mistake made by the License Collector in stating the amount of the license fee or in receiving the license fee prevent or prejudice the collection by the city of the amount actually due, together with all costs of collection, from any person for carrying on any business without a license or for refusing to pay the license fees specified in this chapter. (Prior code § 6123)

5.04.120 Vehicle plates.

The License Collector shall issue numbered plates to

each licensee who is issued a license for engaging in business by vehicle as defined in this chapter. One plate shall be issued for each vehicle so used, which plate shall be placed conspicuously on the rear of each such vehicle. No person shall place any such plate on a vehicle not used by the licensee in such business, or drive or operate a vehicle upon which a plate is placed in violation of these provisions or drive or operate a vehicle engaged in any such business upon which no plate is placed. (Prior code § 6124)

5.04.130 Duration.

Annual licenses shall date from the first day of January of each year or from the effective date thereof if issuance occurs subsequent to the first day of January. Annual licenses shall expire on the last day of December of the year for which they were issued except as otherwise provided herein. The City Council may for good cause issue a license for a business, enterprise, occupation or event regulated by this chapter setting forth the commencement and termination dates thereof; provided, however, that any such license shall expire and be of no further force and effect upon the expiration of the time specified in such license. No person shall acquire any rights whatsoever in law, equity or otherwise by the issuance of any such license other than to engage in or conduct the business, enterprise, occupation or event specified in such license and only in strict accordance with all terms and conditions therein specified including all applicable provisions of law. All license fees shall be due and payable upon issuance of the license. (Amended during 1999 recodification; prior code § 6125)

5.04.140 Cessation report.

In the event any licensee whose license fee was determined on a gross receipts basis hereunder shall cease to do business during the period for which a license was issued hereunder, he or she shall within thirty (30) days after cessation of business file with the License Collector a closing report stating the amount of gross receipts of the business during the period of operation under the outstanding license. Such closing report shall be accompanied by payment of the difference between the amount of the license tax theretofore paid and the amount of the license tax shown to be due by such closing report. In determining the additional tax due, the tax shall be computed upon the business conducted for the period of time it was so conducted, upon the same basis as if initial application were being made for such business for such period of time. (Amended during 1999 recodification; prior code § 6128)

5.04.150 Duplicate licenses.

A duplicate license may be issued by the License Collector to replace any license previously issued hereunder which has been lost or destroyed, upon the licensee filing an affidavit attesting to such fact, and at the time of filing such affidavit paying the License Collector a duplicate license administrative processing charge of twenty-five dollars (\$25.00). (Prior code § 6130)

5.04.160 Change of address.

Upon application of any licensee under this chapter and the surrender of the license thus issued, and upon securing a new permit when a permit is required by any section of this code, a new license for a new location of a previously licensed business or change of address, shall be issued by the License Collector upon the same terms and conditions and for the unexpired term of the license thus surrendered upon payment of an administrative processing charge of twenty-five dollars (\$25.00). (Prior code § 6130.1)

5.04.170 False statements prohibited.

No person shall wilfully make any false representation or statements to the License Collector or his or her authorized Deputy with reference to any of the amounts or numbers required to be stated or furnished under this chapter. The number, or amount, or designation of the classification of business as set forth in any license issued hereunder and accepted by the licensee, shall be prima facie evidence of the statements and representations made to such License Collector, or his authorized Deputy, with reference to the above matters, or any of them, by the applicant, at the time of the issuance of any such license. (Prior code § 6131)

5.04.180 Statements not conclusive on city.

No such statement shall be conclusive upon the city, or upon any officer thereof, as to the matters therein stated, set forth, or otherwise, and the same shall not prejudice the right of the said city to recover any amount that may be ascertained to be due from such person in addition to the amount as stated or shown by such written statement to be due in case such statement be found to be incorrect. (Prior code § 6132)

5.04.190 Audit.

The correctness of all such statements shall be subject to audit and verification by the License Collector, or his or her properly authorized Deputy, who are authorized and empowered to inspect and audit the books and records of any and all persons licensed or applying for a license to commence or conduct or conducting any busi-

ness in this chapter specified or referred to, or required to be licensed hereunder. (Prior code § 6133)

5.04.200 Statements confidential.

All statements made pursuant to the provisions of this section shall be deemed confidential in character and shall not be subject to public inspection, or to disclosure except in a proper proceeding before the Council or a competent court or tribunal. (Prior code § 6134)

5.04.210 Appeals to Council.

In the event any applicant for a license under this chapter and Chapter 5.08 of this title, or any licensee hereunder, and the License Collector, or his or her authorized Deputy charged with the issuance of the license herein provided for, are unable to agree with reference to the classification of any business hereunder or the amount of the license fee to be paid therefor, then and in that event any such applicant or licensee or said License Collector may appeal to the Council to hear and determine said matter or matters, by addressing a written communication to the Council briefly stating the question or questions involved. Said communication shall be presented to the Council at the next regular or adjourned regular meeting of the Council after the filing of the same with the City Clerk, at which said meeting the Council shall hear such evidence with reference to the subject or subjects thereof as may be offered and may continue said hearing from time to time. The Council may hear and determine such an appeal at any special meeting. The findings and decisions of the Council after hearing and considering such evidence and referring to this chapter and Chapter 5.08 of this title shall be binding, final and conclusive as to the classification of the business and the amount of license fee involved hereunder. Pending the hearing on any such appeal filed by an applicant for a license hereunder, no license shall be issued for the business involved in such controversy unless the classification assigned thereto by the License Collector is accepted in the meantime and the license fee therefor paid as herein provided. Such acceptance and payment shall be deemed made under protest and subject to decision of the Council, and such adjustment, if any, as the Council may order. Appeals by a licensee hereunder must be filed with the Clerk in writing as herein contemplated within ten (10) days after the issuance of the license constituting the basis of appeal, and if not so filed within said period of ten (10) days, the same shall be deemed waived, and thereafter shall not be considered by the Council. (Prior code § 6135)

5.04.220 Delinquencies—Determination.

For the purposes of determining penalties accruing hereunder the various licenses provided for herein shall be delinquent as follows:

A. Any daily license fee shall be delinquent unless the amount thereof, as prescribed herein, is paid on or before the day upon which such fee becomes payable.

B. All license fees except daily and annual license fees shall be delinquent unless the amount thereof, as prescribed herein, is paid within five days after the same become due and payable.

C. Any annual license fee shall be delinquent unless the amount thereof, as prescribed herein, is paid at or before four-thirty p.m. on the thirtieth day after the same becomes due and payable. (Prior code § 6137)

5.04.230 Computing time.

In computing the time within which licenses, other than daily licenses, become delinquent hereunder, the first day upon which any such license becomes payable hereunder shall be included. (Prior code § 6138)

5.04.240 Penalty not exemption.

Nothing contained in the preceding sections of this chapter shall be construed as relieving or exempting any person from arrest or punishment for failure to procure for any business the license required hereunder, at or before the time of commencing to conduct the same. (Prior code § 6139)

5.04.250 Penalty amount.

A. For failure to pay a license tax when due, the license collector shall add as a penalty a percentage of the original license tax on the first day of each month after the due date; the penalty schedule to be as follows:

1. A minimum of fifteen dollars (\$15.00) or ten (10) percent of the amount of the license tax for the first month (or portion thereof) of such delinquency, whichever amount is greater;

2. A minimum of twenty dollars (\$20.00) or twenty-five (25) percent of the amount of the license tax for the second month (or portion thereof) of such delinquency, whichever amount is greater;

3. A minimum of twenty-five dollars (\$25.00) or fifty (50) percent of the amount of the license tax for the third month (or portion thereof) of such delinquency, whichever amount is greater;

4. A minimum of thirty dollars (\$30.00) or seventy-five (75) percent of the amount of the license tax for the fourth month (or portion thereof) of such delinquency, whichever amount is greater;

5. A minimum of thirty-five dollars (\$35.00) or one hundred (100) percent of the amount of the license tax for the fifth month (or portion thereof) of such delinquency, whichever amount is greater;

6. A charge of twenty-five dollars (\$25.00) shall be payable in a case where no license tax is payable pursuant to an exemption as authorized in this chapter but where a license application and declaration of exemption nonetheless must be filed with the License Collector.

B. In the event that a delinquent penalty may be payable, the License Collector shall not issue a license until such time as the applicable tax, together with the amount of the delinquent penalty are paid. (Amended during 1999 recodification; prior code § 6140)

5.04.260 Extensions.

In addition to all other powers conferred upon him or her, the License Collector shall have the power, for good cause shown, to extend the time for filing any required sworn statement for a period not exceeding thirty (30) days, and in such case so waive any penalty that would otherwise have accrued, and shall have the further power, with the consent of the Council, to compromise any claim as to amount of license tax due. (Prior code § 6141)

5.04.270 Cancellation.

A. In addition to any other remedy or power in this chapter as declared or reserved by the City Council it is further provided that any business license issued under this chapter may be cancelled by the Permit Committee after fifteen (15) days written notice to the holder of said license transmitted by U.S. first-class mail to the most current business address of such business in the possession of the License Department that such business license is proposed to be cancelled and revoked. Any business license may be cancelled by the Permit Committee for good cause including without limitation failure on the part of the licensee to pay the business license tax without substantial justification and despite diligent efforts to collect such amounts.

B. A hearing shall be held by the Permit Committee pursuant to said notice at which hearing the holder of the business license shall have a right to offer evidence. The decision of the Permit Committee shall be in writing and contain a statement of facts and findings and shall be final within fifteen (15) days unless within such time period appealed in writing to the City Council. An appeal from the decision of the Permit Committee shall be submitted on a form as approved by the Permit Committee and such appeal shall be accompanied by a charge or fee in an amount sufficient to cover the cost of the preparation of a transcript of the proceedings by the Permit

Committee but in no case shall such fee exceed one hundred dollars (\$100.00). Upon submission of an appeal to the City Clerk the business license shall be stayed until twenty (20) days following the date on which City Council concludes a hearing on the appeal.

C. Any said license may be canceled when it satisfactorily appears to the Council that disorderly or immoral conduct is or has been permitted on said premises, or whenever the preservation of public morality, health, peace, or good order shall, in its judgment, render such cancellation necessary. (Prior code §§ 6142, 6143)

5.04.280 Special permits after cancellation.

The person whose license has been cancelled shall not thereafter be entitled to receive any business license of any character from the city except upon a special permit from the Council. (Prior code § 6144)

5.04.290 Notice of cancellation.

The notice provided for cancellation shall contain in substance the nature of the charge against the holder of the license, and a statement of the place and date of the hearing, and may be served personally or left at or mailed to the place of business of the said holder as shown on the last application filed with the License Collector by such licensee. (Prior code § 6145)

5.04.300 Forfeiture upon cancellation.

In the event of the cancellation for cause of any business license issued by the city, any licensee fee or permit fee theretofore paid by the licensee for such license or permit shall be forfeited to the city and said licensee shall be entitled to no refund for any unexpired term of said license. (Prior code § 6146)

5.04.310 License fees to be as designated.

The respective amounts or rates of license fees to be paid to said city by persons commencing or conducting any business subject to a license under this chapter and Chapter 5.08 of this title shall be as in this chapter and Chapter 5.08 of this title designated, and such respective amounts or rates of license fees are respectively designated, fixed and established for the respective businesses to which the same respectively relate. Such respective amounts or rates of license fees for such respective businesses are hereinafter set forth, designated, fixed and established in Chapter 5.08 of this title. (Prior code § 6147)

5.04.320 Appointment of fees.

Except as hereinafter provided, all moneys collected

by the License Collector under this chapter and Chapter 5.08 of this title shall be promptly deposited to the general fund. (Prior code § 6148)

5.04.330 Enforcement.

A. It shall be the duty of the License Collector, and he or she is directed to enforce each and all of the provisions of this chapter and Chapter 5.08 of this title and the Chief of Police shall render such assistance in the enforcement hereof as may from time to time be required by the License Collector or the Council. The License Collector in the exercise of the duties imposed upon him or her hereunder, shall examine or cause to be examined all places of business in the city to ascertain whether the provisions of this chapter and Chapter 5.08 of this title have been complied with.

B. Authority. The License Collector and/or any police officer shall have the power and authority to enter, free of charge, and at any reasonable time, any place of business required to be licensed herein, and demand an exhibition of its license certificate. Any person having such license certificate theretofore issued, in his possession or under his control, who wilfully fails to exhibit the same on demand, shall be guilty of a misdemeanor and subject to the penalties provided for by the provisions of this chapter and Chapter 5.08 of this title. It shall be the duty of the License Collector and each of his or her assistants to cause a complaint so be filed against any and all persons found to be violating any of said provisions. (Amended during 1999 recodification; prior code §§ 6149, 6150)

5.04.340 Posting and keeping licenses.

All licenses must be kept and posted in the following manner:

A. Any licensee transacting and carrying on business at a fixed place of business in the city shall keep the license posted in a conspicuous place upon the premises where such business is carried on.

B. Any licensee transacting and carrying on business but not operating at a fixed place of business in the city shall keep the license upon his person at all times while transacting and carrying on such business. (Prior code § 6151)

5.04.350 License a debt.

The amount of any license tax and penalty imposed by the provisions of this chapter and Chapter 5.08 of this title shall be deemed a debt to the city and any person carrying on any business without first having procured a license from said city so to do shall be liable to an action in the name of said City in any court of competent juris-

diction, for the amount of license tax and penalties imposed on such business. (Prior code § 6152)

5.04.360 Criminal and civil action for failure to pay tax.

The conviction and imprisonment of any person for engaging in any business without first obtaining a license to conduct such business shall not relieve such person from paying the license tax to conduct such business, nor shall the payment of any license tax prevent a criminal prosecution from the violation of any of the provisions of this chapter. All remedies prescribed hereunder shall be cumulative and the use of one or more remedies by the city shall not bar the use of any other remedy for the purpose of enforcing the provisions of this chapter. (Prior code § 6153)

5.04.370 Nuisances and unlawful businesses not authorized.

The granting of a license hereunder shall not be deemed in any sense whatsoever a permit or license to conduct the business referred to herein, in an unlawful manner, or in any manner so as to constitute the same a nuisance. (Prior code § 6154)

Chapter 5.08**BUSINESS LICENSE TAXES****Sections:****Article I. General Provisions**

5.08.010	License taxes.
5.08.020	CPI adjustment.
5.08.030	Gross receipts.
5.08.040	City business.
5.08.050	Excluded businesses.

Article II. Fees and Taxes Payable

5.08.060	Amusement machines, game machines and music boxes.
5.08.070	Auctioneers.
5.08.080	Automobile wrecking and junk dealers.
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5.08.110	Cabaret dance without live entertainment.
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5.08.210	Incidental advertising.
5.08.220	Itinerant vendors.
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5.08.240	Kleig lights.
5.08.250	Medicine shows.
5.08.260	Motor buses.
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5.08.271	Multiple residential service bond.
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5.08.280	On-sale liquor establishments.
5.08.290	Pawnshops.
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5.08.350	Real estate and business opportunities brokers.
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5.08.380	Sound truck and other advertising vehicles.
5.08.390	Street benches.
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5.08.410	Taxicabs.

Article I. General Provisions**5.08.010 License taxes.**

The rates of license taxes payable to the city and certain terms and conditions of licenses as issued pursuant to this chapter are fixed in accordance with the schedules which appear in this chapter as may be adjusted from time-to-time by resolution of the City Council adopted in accordance with Section 5.08.020. The terms "fee" or "fees" which may appear in various sections of this chapter refer to license taxes, unless the context or the use of the term "fee" may indicate otherwise. (Prior code § 6200)

5.08.020 CPI adjustment.

The tax(es) imposed by this chapter may be increased or decreased annually as of July 1st of each calendar year, commencing on July 1, 1993, upon adoption of a resolution of the City Council which specifies such increase or decrease in an amount which shall not exceed the increase or decrease of change in the Consumer Price Index from the base index as determined by reference to the most current edition of the Consumer Price Index, as prepared and released by the United States Department of Labor, Bureau of Statistics, for the Los Angeles-Long Beach area. The Consumer Price Index published for the month of April, 1992, shall be deemed to be the base index for the purpose of this section. A resolution of the City Council which makes such an adjustment shall be adopted not less than sixty (60) days prior so the date on which the increase or decrease in the taxes shall be effective. (Prior code § 6200.1)

5.08.030 Gross receipts.

Every person, whether or not having an established place of business within the city, operating or conducting any business within the city and not otherwise specifically licensed by this chapter, and specifically including the business of astrology and the business of operating or supplying any coin-operated device, contraption or vending machine of any kind, shall pay an annual license tax, based

upon the gross receipts of such business according to the following schedules:

Gross Receipts Per Annum	Tax Rate
Up to \$100,000	\$50.00 plus \$0.50 per \$1,000
\$100,000 to \$1,000,000	\$100.00 plus \$0.55 per \$1,000 over \$100,000
\$1,000,000 and above	\$595.00 plus \$0.15 per \$1,000 over \$1,000,000

(Prior code § 6201)

5.08.040 City business.

A. The license tax specified in Section 5.08.030 shall be based only on business conducted within the city or resulting from business activities conducted within the city.

B. All gross receipts of a business conducted in whole or in part within the city shall be presumed to have resulted from business activities conducted within the city, unless the licensee submits appropriate written information in sufficient detail to establish the basis for exclusion of any receipts from the city license tax. The written information thus submitted by the licensee shall not be conclusive upon the city. The License Collector shall, from information submitted by the licensee and from other information in his/her possession, determine the portion of cost of operation of a business, if any, which may not be subject to the license taxes specified by Section 5.08.030 in accordance with formulae and criteria adopted by resolution of the City Council.

C. For businesses which do not generate gross receipts from activity within the city, the license tax as specified in Section 5.08.030 shall be payable to the city based upon the cost of operation of such business as conducted in the city. All costs of operation of a business which do not generate gross receipts in the city shall be presumed to have resulted from business activities conducted within the city, unless the licensee submits appropriate written information in sufficient detail to establish the basis for exclusion of any cost of operation from the city license tax. The written information thus submitted by the licensee shall not be conclusive upon the city. The License Collector shall, from information submitted by the licensee and from other information in his/her possession, determine the portion of cost of operation of a business, if any, which may not be subject to the license taxes specified by Section 5.08.030 in accordance with formulae and criteria

adopted by resolution of the City Council. (Prior code § 6201.2)

5.08.050 Excluded businesses.

No license shall be required and no license tax required of farmers, poultrymen or horticulturists for the privilege of selling exclusively their own produce grown or raised by themselves and sold only upon the premises where such products were grown or raised; but if such person sell goods purchased for resale in addition to selling products grown or raised by them, then such persons shall be required to obtain a license as herein provided, and all sales including sales of home grown or home raised products shall be included in the gross receipts upon which such license tax is computed. (Prior code § 6202)

Article II. Fees and Taxes Payable

5.08.060 Amusement machines, game machines and music boxes.

A. Tax Assessed. Every person engaged in the business of operating an amusement machine, game machine or music machine, shall pay an annual license tax of seventy-five dollars (\$75.00) per machine. This amount shall be in addition to any other applicable tax as otherwise provided for under this chapter.

B. Amusement Machine Inspection. Every coin-operated device or contraption of any kind, including amusement machines, music boxes, vending machines and newsracks, shall have securely affixed thereto in a conspicuous location a statement of the name, address and telephone number of the person maintaining, operating or supplying same.

C. Owner—Operator Credit. The gross receipts emanating from the use of any coin-operated device or contraption of any kind including amusement machines, music boxes or vending machines, which is owned or maintained by a person conducting a business licensed under Section 5.08.030 and which is used in conjunction with such business thus licensed, shall be included within the gross receipts of such business thus licensed under Section 5.08.030.

D. Sealing of Coin Slots. The License Collector is authorized to place a seal across the coin slot or opening of any amusement machine, music box or other device for which the license fee required by this chapter has not been paid, or which does not have affixed thereto the name, address and telephone number of the person owning, operating, maintaining or supplying the same. No person other than the License Collector shall remove any such seal. No person shall use or play or permit the use or playing of any

amusement machine, music box or other device that has been thus sealed by the License Collector prior to the time that the applicable fee has been paid in full and the seal removed therefrom by the License Collector. (Prior code §§ 6226—6227.2)

5.08.070 Auctioneers.

Every person engaged in the business of an auctioneer for the sale of a public auction of any real or personal property shall pay a license fee of twenty-five dollars (\$25.00) per day payable daily in advance. (Prior code § 6237)

5.08.080 Automobile wrecking and junk dealers.

Every person engaged in the business of dealing in automobile junk, operating an automobile junk yard or automobile wrecking establishment, as any of the terms are defined in Chapters 5.20 and 5.52 of this title shall pay an annual license tax of two hundred dollars (\$200.00) plus an amount based upon the annual gross receipts of such business according to the following schedule:

Gross Receipts Per Annum	Tax Rate
Up to \$100,000	\$0.50 per \$1,000
\$100,000 to \$1,000,000	\$0.55 per \$1,000 over \$100,000
\$1,000,000 and above	\$0.15 per \$1,000 over \$1,000,000

(Prior code § 6236)

5.08.090 Billboards.

Every person operating or maintaining any billboards in the city, shall pay a license tax of fifty dollars (\$50.00) plus fifty cents (\$0.50) per square foot per year for all such billboards in use during the license period or any part thereof. (Ord. 2522 § 2, 2000; prior code § 6208)

5.08.100 Cabaret dance with live entertainment.

Every person conducting a cabaret dance with live entertainment shall pay an annual license tax of five hundred dollars (\$500.00). (Prior code § 6230.1)

5.08.110 Cabaret dance without live entertainment.

Every person conducting a cabaret dance without live entertainment shall pay an annual license tax of three hundred dollars (\$300.00). (Prior code § 6230.2)

5.08.120 Christmas tree lots.

Every person operating a Christmas tree lot in the city, shall pay a license tax of five hundred dollars (\$500.00) per location, this amount shall be in addition to any license tax paid pursuant to Section 5.08.210. (Prior code § 6214.8)

5.08.130 Circuses, carnivals and sideshows.

Every person operating a circus, a carnival or a sideshow, shall pay a license tax based on the number of attractions offered at a particular site as identified in the business license application as set forth below:

Number of Attractions	License Tax Per Day
1—9	\$350.00
10—16	500.00
17—plus	750.00

For the purpose of this section, an attraction is defined as an exhibit, event or attraction for which anything of value is paid in exchange for the privilege of viewing, attending or participating therein. (Prior code § 6231)

5.08.140 Closing out sales.

Every person who conducts a closing out sale as defined by Section 5.28.010, shall pay a license tax for such closing out sale as follows:

30-day sale	\$150.00
60-day sale	300.00
90-day sale	450.00

Every person conducting such a sale shall upon application make a final determination as to the number of days such sale shall be conducted. No extension shall be granted. No license shall be issued under this section and no closing out sale shall be conducted for a period in excess of ninety (90) days. (Prior code § 6233.1)

5.08.150 Contractors.

A. Every person, owner-builder, contractor, subcontractor, specialty contractor, special subcontractor or supplier rendering services or supplying materials or labor in connection with the construction, alteration, moving, relocation or demolition of a building or structure or other work on private property or within dedicated street areas for which a permit is required by Chapters 12.04 through 12.20, 13.04, 13.08, 18.04, 18.08 or Title 15, a sum equal to one-half of the permit fee or fees (exclusive of plan check fees) required thereby; provided, however, that where a permit is obtained pursuant to Title 15 of this code

and the fee prescribed therefor is paid, the payment of a like amount as a business license fee shall constitute payment of the business license fee as to all work and materials upon which the permit fee is calculated pursuant to Title 15 of this code, and the payment of any additional business license fee shall be required only with respect to the work or materials the cost of which is not included in the calculation of the building permit fee. The sums required by this section shall be due and payable and shall be paid at the same time that the applicable permit fees specified in Chapters 12.04 through 12.20, 13.04, 13.08, 18.04, 18.08 or Title 15 are due and payable, and shall forthwith become delinquent if not paid when due and shall be subject to the same penalties specified in the respective sections of Chapters 12.04 through 12.20, 13.04, 13.08, 18.04, 18.08 or Title 15. The gross receipts of any person for services rendered or labor or materials furnished for or in connection with any such construction, alteration, moving, relocation or demolition of a building or structure, or other work on private property or within dedicated street areas for which a permit is required by Chapters 12.04 through 12.20, 13.04, 13.08, 18.04, 18.08 or Title 15 and for which the fee prescribed by this section has been paid, shall be excluded from the gross receipts of such person for the purpose of computing gross receipts under Section 5.08.030. Section 5.08.030 shall not apply to any person whose total gross receipts are subject to the license fee imposed by this section.

B. Exemption. No license shall be required and no license fee shall be required to be paid by individuals who qualify as owner-builders under Title 15 of this code. (Amended during 1999 recodification; prior code §§ 6211, 6211.1)

5.08.160 Dealers of new and used automobiles.

Dealers of new and used automobile shall pay the annual license tax based upon the gross receipts of such automobile dealership business according to the following schedule:

Gross Receipts Per Annum	Tax Rate
Up to \$1,000,000.00	\$50.00 plus \$0.75 per \$1,000.00 of gross receipts
\$1,000,000.00 to \$6,000,000.00	\$800.00 plus \$0.15 per \$1,000.00 of gross receipts
\$6,000,000.00 to \$10,000,000.00	\$2,500.00
Over \$10,000,000.00 to \$100m	\$5,000.00
Over \$100m	\$20,000.00

(Prior code § 6201.1)

5.08.170 Exhibitions and entertainment.

For each person engaged in business in the conduct of exhibitions or entertainment, such as boxing, wrestling, roller skating, games or contest, and the like: ten dollars (\$10.00) per day. (Prior code § 6214.5)

5.08.180 Fortunetelling.

Every person engaged in the business of fortunetelling, as defined by Section 5.04.010 of this title, shall pay a license fee of five hundred dollars (\$500.00) per year. (Prior code § 6204)

5.08.185 Spiritual specialty shops.

Every person engaged in the business of operating a spiritual specialty shop as defined by Chapter 17.04 of this code shall pay a license fee of five hundred dollars (\$500.00) per year. (Ord. 2671 § 2, 2006)

5.08.190 Garage sales.

Neither a business license fee nor a permit fee shall be required for any garage sale lawfully conducted in accordance with the provisions of Chapter 5.44 of this title. (Prior code § 6203.1)

5.08.200 Handbills.

Every person operating the business of distributing advertising handbills, samples, dodgers or printed advertising of any kind shall pay a license tax of one hundred dollars (\$100.00) per person per calendar quarter or portion thereof; provided however, that where such business is conducted in connection with a bona fide newspaper, printed, published and circulated within the city, for which license fee is paid under the provisions of this chapter, no additional fee shall be required to be paid under this section. (Prior code § 6205)

5.08.210 Incidental advertising.

For every person operating any incidental advertising by vehicle shall pay a license tax of one hundred dollars (\$100.00) per year or portion thereof, per vehicle. This section shall not apply to the mere use of a vehicle for proprietary advertising, nor shall it apply to any vehicle licensed under any other section of this chapter. (Prior code § 6207)

5.08.220 Itinerant vendors.

Each person engaged in business in the city as an itinerant vendor shall pay a license tax of one hundred fifty dollars (\$150.00) per day per location, or an aggregate amount of one thousand dollars (\$1,000.00) per person per location per year, provided such tax is paid in full upon original application. (Prior code § 6214.6)

5.08.230 Junk dealers.

Every junk dealer or person engaged in the business of collecting, storing, selling or exchanging junk, other than person licensed under Section 5.08.080, shall pay an annual license tax of two hundred dollars (\$200.00) plus an amount based upon the annual gross receipts of such business according to the following schedule:

Gross Receipts Per Annum	Tax Rate
Up to \$100,000	\$0.50 per \$1,000
\$100,000 to \$1,000,000	\$0.55 per \$1,000 over \$100,000
\$1,000,000 and above	\$0.15 per \$1,000 over \$1,000,000

(Prior code § 6236.1)

5.08.240 Kleig lights.

For every person operating, using or placing upon any property any kleig light, floodlight or search light, whether mounted upon or being a part of a wheeled vehicle or otherwise, the sum of five dollars (\$5.00) per year for each such floodlight, kleig light or search light; provided, however, that the parking, placing or keeping of any such floodlight, kleig light or search light upon any street is hereby prohibited between the hours of twelve midnight and five-thirty p.m. next succeeding; and provided further that no such floodlight, kleig light or search light shall be used at any angle exceeding thirty (30) degrees off of perpendicular. (Prior code § 6206)

5.08.250 Medicine shows.

Every person operating a medicine show shall pay a license tax of fifty dollars (\$50.00) per day. (Prior code § 6232)

5.08.260 Motor buses.

A. Any person engaged in the business of operating in the city motor buses shall be required to pay a license fee based upon the gross receipts of such business as provided in Section 5.08.030.

B. Determination of Gross Receipts. In determining the gross receipts of such business, however, only that percentage of the gross receipts of such business shall be used as the ration which the miles traveled within the city by such licensee's buses bears to the total number of miles traveled by such licensee's buses on any route lying in whole or in part in the city. (Prior code §§ 6234, 6234.1)

5.08.270 Noncommercial car wash.

No business license fee shall be required for any non-commercial car wash lawfully conducted in accordance with the provision of Section 5.96.050 of this title. (Prior code § 6203.2)

5.08.271 Multiple residential service bond.

Every person, owner-builder or contractor shall deposit with the city a cash bond or certificate of deposit payable to the city on demand in an amount equal to five hundred dollars (\$500.00) per unit for every multiple residential apartment house as defined in this code and every condominium development, planned development, community apartment project or stock cooperative to the city prior to the issuance of a building permit for the construction of said apartment house, condominium development, planned development, community apartment project or stock cooperative. Every person, owner-builder or contractor shall similarly post a bond of five hundred dollars (\$500.00) per unit for every conversion of existing residential units to condominiums, planned developments, community apartments or stock cooperatives. The multiple residential service bond shall be refunded for condominium developments, planned developments, community apartments or stock cooperatives if none of the units in the development are rented or leased by the developer or its successor in interest either through purchase, assignment, or operation of law for a period of eighteen (18) months after the certificate of occupancy is issued by the City Building Department. The multiple residential service bond shall also be refunded if fifty-one (51) percent of the units are conveyed to individual owner-occupants and management of the homeowners association is transferred to those owner-occupants. Notwithstanding the above, no refund of the multiple residential service bond shall be made after eighteen (18) months from issuance by the City Building Department of a certificate of occupancy. (Ord. 2583 § 1 (part), 2003)

5.08.272 Bond service fee.

Any bond or certificate of deposit submitted to the city either pursuant to Section 5.08.271 of this chapter, pursuant to any provision of the El Monte Municipal Code, or in conjunction with the issuance of any permit issued by the Building Department shall be accompanied by a payment to the city of a non-refundable bond service fee in an amount equal to five (5) percent of the face value of the bond or certificate of deposit. (Ord. 2583 § 1 (part), 2003)

5.08.280 On-sale liquor establishments.

For each person engaged in business in the conduct of an on-sale liquor establishment as defined in Chapter 17.04 of this code shall pay a fee of two hundred dollars (\$200.00) per annum in addition to the annual gross receipt tax provided for in Section 5.08.030. (Prior code § 6213)

5.08.290 Pawnshops.

Every person engaged in the business of operating a pawnshop in the city shall pay an annual base license tax of five hundred dollars (\$500.00) per year plus an amount based upon the annual gross receipts of such business according to the following schedule:

Gross Receipts Per Annum	Tax Rate
Up to \$100,000	\$0.50 per \$1,000
\$100,000 to \$1,000,000	\$0.55 per \$1,000 over \$100,000
\$1,000,000 and above	\$0.15 per \$1,000 over \$1,000,000

(Prior code § 6219.1)

5.08.300 Peddling.

A. Every person engaged in the business of peddling any goods, property or service not otherwise specifically provided for herein, shall pay a license tax of two hundred dollars (\$200.00) per calendar quarter per person, or an aggregate amount of five hundred dollars (\$500.00) per person per year, provided such tax is paid in full upon original application.

1. Solicitor Exception. Nothing contained in subsection A of this section shall apply to a regular employed agent or salesman of a merchant or manufacturer whose place of business is located wholly within the city and which merchant or manufacturer is specifically licensed under this chapter to conduct the business with reference to which such agent or salesperson acts.

B. Vehicle at Retail. From a wagon or vehicle at retail: one hundred dollars (\$100.00) tax per year for each wagon or vehicle so used.

1. Exception. Subsection B of this section shall not apply to any vehicle licensed under Section 5.08.030, nor to any vehicle regularly used by a merchant or manufacturer whose place of business is located wholly within the city and which merchant or manufacturer is specifically licensed under this chapter so conduct the business with reference to which such vehicle is employed or used.

C. Vehicle at Wholesale. From a wagon or vehicle as wholesale only, operating within the city and duly licensed under the provisions of this chapter, the sum of seventy-five dollars (\$75.00) tax per vehicle per year or portion thereof for each vehicle used; provided however, that no license tax shall be required when the sole business conducted with the city is the pick up from or delivering to assembly or manufacturing plants located within the city and licensed to do business under the provisions of this

chapter of goods, wares or material used in the assembly or manufacture of articles for sale to or consumption by the public or public agencies.

D. Other Business by Vehicle. All other business by vehicle, not otherwise specifically provided for in this chapter shall pay a license tax of one hundred fifty dollars (\$150.00) per year or portion thereof per vehicle. (Prior code §§ 6215—6215.9)

5.08.310 Pool tables.

Every person owning or maintaining a pool table of any size for use by patrons or members of the public, other than a coin-operated pool table, shall pay a license tax of fifty dollars (\$50.00) per year or portion thereof per table. This amount shall be in addition to any other applicable tax as otherwise provided for under this chapter. (Prior code § 6228)

5.08.320 Professions.

Any person engaged in a profession who is not specifically exempted from the payment of a local license tax by the Constitution of laws of this state, or otherwise covered by another section of this chapter shall be deemed to be engaged in the business of a "profession" within the meaning of this section. The professions include, but are not limited to, physicians, surgeons, attorneys, veterinarians, dentists, chiropractors, chiropodists, osteopaths, auditors, income tax agents, engineers, architects, surveyors, optometrists, oculists, property management companies, and insurance agents. Each such business shall pay an annual license tax which is based upon the annual gross receipts of such business according to the following schedule:

Gross Receipts Per Annum	Tax Rate
Less than \$150,000	\$50.00 plus \$2.50 per \$1,000
Over \$150,000 to \$1,000,000	\$425.00 plus \$2.00 per \$1,000 over \$150,000
Over \$1,000,000	\$2,125.00 plus \$1.25 per \$1,000 over \$1,000,000

(Amended during 1999 recodification; prior code § 6238)

5.08.330 Public dances.

Every person conducting a public dance or engaged in the business of conducting public dances, shall pay a license tax of one hundred dollars (\$100.00) per calendar quarter or fraction thereof, for each location where the dance is held, or shall pay an annual license tax of three

hundred dollars (\$300.00) for each location where such dances are conducted. No portion of any such license tax shall be refundable for any reason other than a duplication of payment, upon presentation of proof of payment, nor shall any dance license be transferable. (Prior code § 6230)

5.08.340 Pumpkin patches.

Every person operating a pumpkin patch in the city shall pay an annual license tax of five hundred dollars (\$500.00) per location. This amount shall be in addition to any license tax paid pursuant to Section 5.08.120 of this chapter. (Prior code § 6214.7)

5.08.350 Real estate and business opportunities brokers.

Every real estate broker and sales agent and every business opportunities broker and sales agent shall pay an annual license tax based on the gross receipts resulting from fees or commissions earned or accrued in the conduct of such business, based on the following schedule:

Gross Receipts Per Annum	Tax Rate
Up to \$150,000	\$50.00 plus \$2.50 per \$1,000
\$150,000 to \$1,000,000	\$425.00 plus \$200 per \$1,000 over \$150,000
\$1,000,000 and above	\$2,125.00 plus \$1.25 per \$1,000 over \$1,000,000

(Amended during 1999 recodification; prior code § 6238.1)

5.08.360 Secondhand business.

Every person engaged in the business of operating a secondhand business in the city shall pay a base license tax of one hundred fifty dollars (\$150.00) per year plus an amount based upon the annual gross receipts of such business according to the following schedule:

Gross Receipts Per Annum	Tax Rate
Up to \$100,000	\$0.50 per \$1,000
\$100,000 to \$1,000,000	\$0.55 per \$1,000 over \$100,000
\$1,000,000 and above	\$0.15 per \$1,000 over \$1,000,000

(Prior code § 6220)

5.08.370 Solicitors or canvassers.

A. Every person engaged in the business of soliciting or canvassing within the city shall pay a license tax in the amount of two hundred dollars (\$200.00) per person per calendar quarter, or an aggregate amount of five hundred dollars (\$500.00) per person per year, provided such tax is paid in full upon original application.

B. Licensed Business. No license fee shall be required of any bona fide employee of any business licensed under any provision of this chapter for soliciting orders for his or her regular employer. (Prior code §§ 6216, 6218)

5.08.380 Sound truck and other advertising vehicles.

Every person operating a sound truck or other advertising vehicle in the city, shall pay a license tax of fifty dollars (\$50.00) per day per vehicle. (Prior code § 6206.1)

5.08.390 Street benches.

For every person erecting, placing, installing or maintaining any bench, as defined by either definition in Section 12.28.010 of this code upon any public property as defined by Section 12.28.010 of this code, the sum of sixty dollars (\$60.00) per annum for the first ten (10) benches or less and the further sum of six dollars (\$6.00) per annum for each bench in excess of ten (10). (Prior code § 6208.1)

5.08.400 Tanning, curing and embalming.

Every person engaged in the business of tanning, curing or embalming shall pay a license tax of sixty dollars (\$60.00) per year. (Prior code § 6235)

5.08.410 Taxicabs.

A. Every person engaged in the business of operating taxicabs in the city, as defined in Section 5.04.010 of this title, whether or nor such person has established a place of business in the city, shall pay an annual license tax of three hundred fifty dollars (\$350.00) plus twenty-five dollars (\$25.00) per vehicle per year.

B. Exemption. No license shall be required and no license fee shall be required to be paid for the privilege of merely discharging passengers from a taxicab within the city, provided that no passenger be permitted to board such taxi within the city. (Prior code §§ 6209, 6210)

Chapter 5.12

BUSINESS PERMITS GENERALLY

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5.12.010 Permit committee.

There is established a Permit Committee, the members of which shall consist of the following:

A. The City Manager or a representative designated by him or her, who shall ex officio be Chairperson of the Committee;

B. The Chief Building Official or a representative designated by him or her;

C. The Chief of Police or a representative designated by him or her;

D. The Fire Chief of Los Angeles or a representative designated by him or her;

E. The Revenue Supervisor or a representative designated by him or her;

F. The Services Manager or a representative designated by him or her;

G. The Code Enforcement Supervisor or a representative designated by him or her. (Ord. 2600 § 1 (part), 2004; Ord. 2582 § 1, 2003; amended during 1999 recodification; prior code § 6300)

5.12.020 Quorum.

Any four (4) members of the Committee shall constitute a quorum for purposes of acting upon a permit application; provided, however, that each member of the Committee shall, with respect to each application, to be acted upon by the Committee, submit a written report or recommendation concerning the same. (Prior code § 6300.1)

5.12.030 Meetings.

The Permit Committee shall meet regularly at the time and place designated by the Committee. The Committee shall likewise meet, at the call of the Chairperson or at the request of any three (3) members of the Committee, at a time and place specified in such call or request. Unless notice is in writing waived by the applicant, the Chairperson shall, at least seventy-two (72) hours prior to a meeting of the Committee at which a permit application is to be considered or acted upon, place in the United States mail, postage prepaid, and addressed to such applicant at the address shown in the application, notice of the time and place of the meeting of the Permit Committee and of the fact that such applicant's application will then and there be considered or acted upon. An applicant shall be entitled to be present, in person or by counsel, at each meeting of the Committee at which his or her application is considered or acted upon, and to present pertinent testimony or evidence in support of his or her application. Unless a different time be fixed by the Chairperson of the Committee, the Permit Committee shall consider each application the first regularly scheduled meeting held not less than ten (10) days after the filing of an application, and in such case notice shall be deemed to have been waived by applicant and need not be given as hereinbefore required. (Prior code § 6300.2)

5.12.040 Action.

A. If any three (3) or more members of the Permit Committee in writing recommend against or disapprove the granting of a permit, such permit shall be deemed denied. If one or two (2) but less than three (3) members of the Committee in writing recommend against or disapprove the granting of a permit, the Committee shall not

have the power to and shall not grant such application, but shall forthwith file the same, together with all reports and recommendations of the Committee members and all other data presented to or accumulated by the Committee, with the City Clerk for decision thereon by the City Council. The City Clerk shall place each application thus filed with the City Clerk for action thereon by the City Council on the Council agenda of the first regularly scheduled evening Council meeting following at least seven (7) days the filing of such application and related material with the City Clerk. The City Clerk shall, at least seventy-two (72) hours prior to such meeting of the City Council, place in the United States mail, addressed to the applicant at the address shown in his or her application, notice of the time and place of such City Council meeting and of the fact that such application will then and there be considered by the City Council. Such notice shall be accompanied by a copy of all reports and recommendations of the Permit Committee members, unless the same have already been furnished to the applicant.

B. Notwithstanding subsection A of this section, a simple majority of the quorum of the Committee shall be sufficient to take action to either approve or deny a parade or block party permit application submitted pursuant to Chapter 12.07 of this code. Furthermore, noticing requirements and appeals of any Committee action on a parade or block party permit shall be governed by the provisions of Chapter 12.07 of this code. (Ord. 2656 § 2, 2005; Ord. 2632 § 2 (part), 2004; prior code § 6300.3)

5.12.050 Records.

The Permit Committee shall keep permanent records of its meetings and its decisions, as well as an accurate summary of all pertinent oral testimony presented thereat and a copy of all written evidence, reports, recommendations and other material accumulated by it. (Prior code § 6300.4)

5.12.060 Permit required.

Except as otherwise specifically provided in this chapter, no person shall engage in the practice of astrology or fortunetelling, or engage in or conduct any circus, carnival, sideshow, boxing or wrestling contest or exhibition, race or contest of endurance or speed between horses or beasts or mechanical devices, skating rink, bowling alley, pool or billiard hall, live entertainment, moving pictures or picture slides where alcoholic beverages are sold, served or permitted to be consumed, amusement or recreation center, or in any similar business, enterprise, occupation or event, or as an itinerant vendor, or the playing, maintaining or operating of any bingo game, or any other business, enterprise, occupation or event regulated by any section of this chap-

ter, nor shall any license be issued for any of the same, unless a permit therefor shall first have been issued, as provided in this section; provided, however, that no additional permit shall be required solely for musicians, vocalists and announcers used solely in connection with a dance regulated by Chapter 5.32 of this title and for which a permit required by this chapter has been issued and is in effect. The application for the issuance of a permit authorizing any of the activities, as described in Section 5.12.070 of this chapter, including an adult-oriented business, as described in Section 5.16.020 of this title, shall be submitted to the Permit Committee for its approval or denial within thirty (30) days following the date of receipt of such a completed application on a form as may be prepared by the Chairperson of the Permit Committee. The Permit Committee may continue its consideration regarding the issuance or denial of a permit authorizing any of the activities, as described in Sections 5.12.070 and/or 5.16.020 of this title, to a date which is later than thirty (30) days following the receipt of the application by the License Department subject to the approval of the applicant. A permit for an adult-oriented business establishment shall be subject to the application procedures and shall be issued or renewed in accordance with the provisions of Chapter 5.16 of this title. (Prior code § 6300.5)

5.12.070 Live entertainment defined.

The term "live entertainment," as used in Section 5.12.060 of this chapter, means and includes any activity planned, engaged in or permitted to occur for the purpose of or resulting pleasing, entertainment, attracting or retaining patrons or customers, and shall specifically include, but not be limited to, any act, play, burlesque show, revue, pantomime, fashion show, the playing of any musical instrument by any person, and the employment, use or display of nude or seminude persons, whether such person engaging in any such activity be owner, proprietor, employee, receptionist, food or bar service worker, dancer model, customer, patron, amateur or professional performer, and whether hired, retained, displayed, used, permitted to be present, or permitted to participate or engage in any of the activities described in this section by the owner, permittee, manager or employee of the premises. In a case where the live entertainment shall be provided in an adult-oriented business establishment, as described in Section 5.16.020 of this title, the provisions of Chapter 5.16 of this title shall be applicable to the submission of an application and the issuance and renewal of the permit, as required by this chapter. (Prior code § 6300.5.1)

5.12.080 Nudity defined.

The term “nude person,” as used in Section 5.12.070 of this chapter, means a person completely without clothing. The term “seminude person,” as used in Section 5.12.070 of this chapter, means a person wearing such attire, costume, or clothing which exposed to public view any portion of the human anatomy which is not covered by an opaque covering: the genitals, pubic hair, anus, anal regions, natal cleft, perineum, or the crease of the buttocks of any person, or any portion of the breast at or below the upper edge of the areola thereof of any female person. However, the term “nude person” shall not refer to isolated instances of conduct or activities described in this section, except where taken together, such an instance of nudity constitutes a regular and substantial course of conduct within a business premises where any of the activities described in Section 5.12.070 of this chapter may occur. (Prior code § 6300.5.2)

5.12.090 Application.

Whenever a permit is required by any provision of this chapter, an application therefor shall be made in writing and filed with the Chairperson of the Permit Committee. Such application shall be on forms prescribed by the Committee, and shall contain all information required by any section of this chapter, in addition to the information specified in the application form. (Prior code § 6300.6)

5.12.100 Application—Secondhand dealer.

The License Department and the Permit Committee shall accept an application for and grant a business license and permit permitting the applicant to engage in the business of secondhand dealer, as defined in Section 5.68.010 of this title, to an applicant who has not been convicted of an attempt to receive stolen property or any other offense involving stolen property. Prior to the granting of a license or permit, the License Department shall submit the application to the Department of Justice. If the Department of Justice does not comment on the applicant within a reasonable time thereafter, the License Department and Permit Committee may grant the applicant a business license and permit. All applications for licensure and permit, and license or permit renewal, shall be on forms prescribed and provided by the Department of Justice. (Amended during 1999 recodification; prior code § 6300.6.1)

5.12.110 Application—Permit previously denied or revoked.

The License Department shall not accept application for permission to operate any business, enterprise, occupation or even regulated by any section of this chapter if a permit

for such business, enterprise, occupation or event has previously been denied or revoked with respect to the applicant or a successor or assignor to the applicant pursuant to Section 5.12.120 of this chapter, within a twelve (12) month period immediately preceding the tender of the application; except as authorized by this section. An applicant who is subject to the provisions of this section may submit to the Secretary of the Permit Committee a written request for authorization to file an application for permission to operate any such business, enterprise, occupation or event. Upon receipt of such written request, the Secretary of the Permit Committee shall schedule the matter for consideration by the Permit Committee at the next regular meeting of the Permit Committee for which such matter may be properly posted on the agenda. The Permit Committee shall either grant or deny the request to file an application within thirty (30) days following the date on which the matter is submitted to it by the Secretary of the Permit Committee and shall make a finding that either the conditions which caused the denial or revocation have been corrected or make a finding that such conditions have not been corrected. (Prior code § 6300.6.2)

5.12.120 Approval or denial of permit.

A. The Permit Committee shall grant a permit based upon a completed permit application unless three (3) or more of its members find and determine, upon evidence presented to it, that the granting of the permit as applied for, or the conduct of the business, enterprise, occupation or event for which permit application was filed, will be contrary to, inimical to or will jeopardize the preservation of the public peace, safety or welfare of the city or its inhabitants, or will be detrimental to other properties or businesses in the vicinity or in the event that a material falsehood may appear in the application. The decision of the Permit Committee to deny a permit application shall be in writing and shall contain written findings of fact upon which the decision is based. A copy of such decision and findings shall be transmitted to the applicant by personal service or by first class United States mail by a date which is not later than the next regularly scheduled meeting of the Permit Committee following the date of the meeting during which the application for the issuance of the permit was denied. Refer to Section 12.28.280(C) of this code for additional standards of review for news rack applications.

B. The Permit Committee, upon a showing of good cause, may direct an application for a business permit to a Hearing Officer to conduct a hearing, receive relevant evidence and to return to the Permit Committee findings of facts and recommendations to be acted upon by the Permit Committee. The Permit Committee may approve, modify

or reject the findings and recommendations of the Hearing Officer or take such other action as deemed necessary by the Permit Committee. (Ord. 2615 § 1, 2004; Ord. 2538 § 1, 2001; prior code § 6300.7)

5.12.130 Permit approval.

In granting any permit under this chapter, the Permit Committee may impose such terms, conditions and restrictions upon the operation, management and conduct of any business, enterprise, occupation or event that it finds necessary or expedient to protect the public health, safety or welfare of the city or its inhabitants, or to protect other properties or businesses from detriment which would be otherwise caused or liable to be caused by the conduct of the business, enterprise, occupation or event for which the permit is granted. (Prior code § 6300.8)

5.12.140 Permit approval—Fortunetellers.

Prior to issuing a permit to any person for engaging in the business of fortunetelling as defined in Section 5.04.010 of this title, the applicant shall be finger-printed and photographed by the El Monte Police Department in addition to any other terms, conditions and restrictions as may be imposed pursuant to Section 5.12.130 of this chapter. (Amended during 1999 recodification; prior code § 6300.8.1)

5.12.150 Finality of decision.

Except as otherwise provided under Chapter 12.07 of this code, the decision of the Permit Committee shall be final unless an appeal therefrom be filed as hereinafter provided. (Ord. 2656 § 3, 2005; Ord. 2632 § 3, 2004; prior code § 6300.9)

5.12.160 Appeal.

A. Any person aggrieved by any portion of a decision of the Permit Committee may appeal all or any portion of such decision to the City Council. Such appeal shall be in writing, shall be filed with the City Clerk within ten (10) days after the final decision in writing by such Committee, shall be accompanied by an appeal fee of fifty dollars (\$50.00) and shall specify with particularity the ground or grounds upon which such appeal is based.

B. Notwithstanding subsection A of this section or any other provision of this chapter, appeals from any Committee action taken on a parade or block party permit application applied for pursuant to Chapter 12.07 of this code shall be governed in accordance with the appeal provisions of Chapter 12.07 of this code. (Ord. 2656 § 4, 2005; Ord. 2632 § 4, 2004; prior code § 6300.10)

5.12.170 Appeal—Hearing by City Council.

A. Each appeal filed pursuant to Section 5.12.160 of this chapter or any matter as may be referred to the City Council in accordance with Section 5.12.040 of this chapter shall be heard by the City Council at its first regularly scheduled meeting held not less than five (5) days after the filing of such appeal with the City Clerk at which time the decision of the Permit Committee either shall be rejected and the permit shall be issued by the City Council with such conditions, as authorized by Section 5.12.180 of this chapter, or the decision of the Permit Committee shall be affirmed by the City Council. The City Council may continue the hearing on any such appeal from time-to-time at its discretion; provided, however, that in the case of an appeal from a decision of the Permit Committee involving any activity described in Section 5.12.070 of this chapter, the City Council either shall issue, issue subject to conditions, or deny the permit within thirty (30) days following the date of the filing of such appeal, unless a continuance of the decision on the matter is approved by the appellant. Promptly after the filing of any such appeal, the City Clerk shall be given written notice of the time and place of the City Council hearing on such appeal to the applicant, to the appellant if the appellant be other than the applicant, and to any other person who has in writing filed with the City Clerk a request for notice.

B. At the time for which the hearing of any such appeal has thus been noticed, the City Council shall consider and review the decision of the Permit Committee, and all reports, recommendations, findings, summary of evidence and other material presented to, acquired by or made by the Permit Committee or the members thereof. The City Council may, by the affirmative vote of three (3) of its members, hear the application anew and receive additional testimony or evidence. (Prior code §§ 6300.11, 6300.12)

5.12.180 Council decision.

The decision of the City Council on any such appeal shall be made by the affirmative votes of at least three (3) of its members entered upon the Council minutes. The Council may adopt all or any portion of the Permit Committee's decision or findings or any of the reports or recommendations of the Committee members, by reference without setting forth the same in full in the minutes. In its decision on any such appeal, the City Council may approve or disapprove in whole or in part the decision of the Permit Committee and may grant or deny the permit applied for. The Council, in granting a permit, may amend, add to or delete any or all of the conditions or restrictions imposed by the Permit Committee. The City Clerk shall mail to the applicant and appellant a copy of the minutes

of the City Council with reference to any such appeal within forty-eight (48) hours after the approval of such Council minutes by the City Council. (Prior code § 6300.13)

5.12.190 Council action on referred applications.

The Council hearing on any application referred to the Council for decision pursuant to Section 5.12.040 of this chapter shall be limited to a consideration and review of all reports and recommendations of the members of the Permit Committee, the application, the summary of evidence presented with respect thereto and all material compiled by the Permit Committee; provided, however, that the City Council may, by the affirmative vote of three (3) of its members entered upon the Council minutes, hear any such application anew and receive additional evidence or testimony; and provided still further that the City Council may, by a vote of a majority of its members entered upon its minutes, refer the application to a Hearing Officer for the conduct of a hearing thereon pursuant to the Administrative Procedure Act. (Prior code § 6300.14)

5.12.200 Decision.

The decision of the City Council denying any permit under an application referred to it pursuant to Section 5.12.040 shall be in substantially the same form as specified in Section 5.12.180 of this chapter. (Prior code § 6300.15)

5.12.210 Finality of decision.

A decision of the City Council on any permit application or on any appeal from the decision of the Permit Committee shall be final and shall not be subject to reconsideration. (Prior code § 6300.16)

5.12.220 Permits nonassignable.

Every permit issued under any section of this chapter shall apply only to the person or persons in whose name or names it is issued, only to the premises or location therein specified, and only for the business, enterprise, occupation or event therein set forth. No permit issued under any section of this chapter shall be transferable or assignable in any manner by sale, conveyance, encumbrance, security, court order, or in any other manner. (Prior code § 6300.17)

5.12.230 Duration.

Every permit issued pursuant to this chapter, with the exception of hotel/motel permits, shall expire at the same time as the business license. (Amended during 1999 recodification; prior code § 6300.18)

5.12.240 Revocation by Council.

A. In addition to any other remedy or right specified or reserved to the Council by any provision of this chapter or code or any law of the state, any permit issued under or pursuant to this chapter may be revoked and canceled by the Council after a hearing duly noticed as hereinafter provided. Upon report or recommendation of any city official that any such permit be revoked or canceled, the Permit Committee may fix a date, time and place for a public hearing on the matter of such permit revocation. At least ten (10) days prior to the date thus fixed by the Permit Committee, the Secretary of the Committee shall deposit in the United States mail, postage prepaid, addressed to the permittee as shown in the permit application on file with the city, notice of the time and place of such meeting before the Permit Committee, of the fact that the Permit Committee will consider the matter of the revocation of such person's permit, a specification of the grounds upon which the revocation may be made, a statement that the permittee may appear at such time and place, in person or by counsel, and present testimony or documentary evidence in his or her favor and in opposition to the proposed revocation, together with a copy of all reports or other documentary evidence theretofore presented to the Permit Committee in support of the proposed revocation. At the conclusion, but no later than ten (10) days thereafter, of any such hearing, the Permit Committee shall make findings and recommendations and direct the Secretary of the Permit Committee to place such findings and recommendations on the next regular Council agenda for the Council's consideration and adoption. The Council shall consider the findings and recommendations and may adopt them in total or in lieu thereof may amend, modify or reject them in total. In addition, the Council may send the findings and recommendations back to the Permit Committee with instructions to rehear any relevant matter not previously heard and then resubmit additional amended or modified findings to the Council. The Council may revoke, amend, modify, or impose such other or further terms, conditions or restrictions on the terms, conditions or restrictions theretofore placed in the permit as the Council finds reasonable or necessary to insure that the business enterprise, occupation or event will not be contrary to or inimical to or jeopardize the preservation of the public peace, safety or welfare of the city or its inhabitants or be detrimental to other properties or businesses in the vicinity.

B. Notwithstanding subsection A of this section or any other provision of this chapter, appeals from any revocation of a parade or block party permit issued pursuant to Chapter 12.07 of this code shall be governed in accordance

with the provisions of Chapter 12.07 of this code. (Ord. 2656 § 5, 2005; Ord. 2632 § 5, 2004; prior code § 6300.20)

5.12.250 Compliance with permit conditions.

No person shall violate or fail to comply with each and every term, conditions and regulation specified in any permit issued pursuant to this section for any business, enterprise, occupation or event regulated by any section of this chapter. A violation of any term, condition or regulation specified in such a permit is a misdemeanor. In addition to such administrative action as may be initiated under Section 5.12.240 of this chapter, failure to comply with any condition of a permit or violation of any permit condition shall be subject to prosecution, as provided under Section 1.24.010 of this code. (Prior code § 6300.21)

5.12.260 Prerequisite fee payment.

No permit required or issued pursuant to any provision of this chapter shall be valid or effective unless and until all license fees, if any, due by the terms of Chapter 5.08 of this title and any other fees or charges due or payable by the applicant by reason of any provision of law or of this code, shall have first been paid to the city. (Prior code § 6300.22)

5.12.270 Application fees.

A. Any application for a permit for a business, enterprise, occupation or event that has been licensed by the city or which has been conducted under a permit issued by the city during any portion of the calendar year preceding the year for which permit application is made, shall for the purposes of the following subsections be deemed a renewal application if the nature of the business, enterprise, occupation or event, the name of the applicant, the location of the business and the business organization are all the same as they were during the preceding calendar year or portion thereof for which a city license or permit was issued. Except as otherwise specifically provided in Chapter 12.28 of this code all other applications shall for the purposes of the following subsections be deemed new applications.

1. Arcades.	
New application	\$150.00
Renewal application	100.00
2. Auto Junk Dealer.	
New application	\$100.00
Renewal application	75.00
3. Bingo Games.	
New application	\$50.00

Renewal application — \$50.00; provided that one-half of such renewal fee shall be refunded to any applicant whose net receipts from the conduct of bingo games in the city during the preceding permit period were in excess of \$2,500.00 but less than \$5,000.00; and provided further that all but \$5.00 shall be refunded to any applicant whose new receipts from the conduct of bingo games in the city during the preceding permit period were less than \$2,500.	
4. Closing Out Sales.	
Application fee	\$75.00
5. Dances and Dance Halls.	
Dances — Application fee	\$ 75.00
Cabaret dances — Application fee	100.00
6. Fireworks (Nonprofit).	
Application fee — \$250.00 per stand payable as follows:	
a. \$225.00 payable by the person who submits a completed application as provided under Section 8.16.030 of this code — payment of this portion of the fee shall accompany the application; and	
b. \$25.00 payable by the organization for whose benefit and use the permit is issued — payment of this portion of the fee shall be due upon issuance of the permit as provided under Chapter 8.16 of this code.	
7. Kennels as Defined by Chapter 17.04 of this code.	
New application	\$75.00
Renewal application	50.00
8. Mobile Vendor.	
New application	\$50.00
Renewal application	25.00
9. Motels and Hotels.	
Number of Occupancy Units	Amount of Fee
4—15	\$175.00
16—30	200.00
31—45	300.00
46 and over	300.00

10. Pawnbroker.	
New application	\$100.00
Renewal application	75.00
11. Public Property Encroachments.	
Newsracks	\$25.00 per application.
Signs	12.00 per sign.
Street benches	25.00 per application.
12. Secondhand Dealer.	
New application	\$100.00
Renewal application	75.00
13. Tanning.	
New application	\$75.00
Renewal application	50.00
14. Taxicabs.	
New application	\$75.00
Renewal application	50.00
15. Carnival, Circus or Sideshow.	
New application	\$75.00
Renewal application	50.00
16. Amusement and Recreation Center, Bowling Alley, Pool Hall or Skating Rink.	
New application	\$75.00
Renewal application	50.00
17. Fortunetelling.	
New application	\$450.00
Renewal application	200.00
18. Junk and Salvage Dealer.	
New application	\$100.00
Renewal application	75.00
19. Miscellaneous. Every business enterprise, occupation or event for which a permit is required by this chapter and for which no application or renewal application fee is otherwise specified in this chapter.	
New application	\$100.00
Renewal application	75.00
20. Noncommercial Car Wash. No fee.	
21. Pony Rides and Petting Zoos.	
New application	\$75.00
Renewal application	50.00
This type of business will also be subject to the following charges:	
Event	\$25.00 each
Location	25.00 each

22. Spiritual Specialty Shops.	
New application	\$450.00
Renewal application	200.00
23. Alarm System Permit.	
New application	\$25.00
Renewal application	25.00

B. Exemption. Except as provided in subsection (A)(6) of this section, no application or renewal fee shall be required as to any application filed by any business, institution, organization or person exempt by Section 5.04.080(C) of this title from the provisions of Chapter 5.04 or 5.08 of this title. (Ord. 2684 § 3, 2007; Ord. 2671 § 4, 2006; Ord. 2476 § 1, 1998; prior code §§ 6300.23—6300.23.15)

5.12.280 Permit transfer fee.

Exempt as otherwise specifically provided in Chapter 12.28 of this code, each application for a transfer of a permit to another location only shall be accompanied by the payment to the city of a permit transfer fee of twenty-five dollars (\$25.00). An application for a change of permit for any other purpose shall be deemed a new application and shall be accompanied by the payment to the city of the respective permit application fee hereinbefore set forth. (Prior code § 6300.24)

5.12.290 Duplicate permits.

Whenever a duplicate permit is required or requested the request or application therefor shall be accompanied by the payment to the city of the sum of five dollars (\$5.00) in addition to any other sums that may be otherwise due. (Prior code § 6300.25)

Chapter 5.16

ADULT-ORIENTED BUSINESSES

Sections:

5.16.010	Purpose and intent.
5.16.020	Definitions.
5.16.030	Permit required.
5.16.040	Issuance of permit.
5.16.050	Fees.
5.16.060	Inspection.
5.16.070	Expiration of permit.
5.16.080	Suspension.
5.16.090	Revocation.
5.16.100	Appeal.
5.16.110	Transfer of permit.
5.16.120	Location of adult-oriented businesses.
5.16.130	Injunction.

5.16.010 Purpose and intent.

It is the purpose of this chapter to regulate adult-oriented businesses to promote the health, safety, and general welfare of the citizens of the city. The provisions of this chapter have neither the purpose nor effect of imposing a limitation or restriction on the content of any communicative materials, including sexual oriented materials. (Prior code § 6300.50.1)

5.16.020 Definitions.

As used in this chapter:

"Adult-oriented business" means any business as defined in Section Chapter 17.76 of this code and/or any other business where employees or patrons expose "specified anatomical areas" or engaged in "specified sexual activities," or any business which offers to its patrons services or entertainment characterized by an emphasis on matter depicting, exposing, describing, discussing or relating to "specified sexual activities" or "specified anatomical areas." Adult-oriented businesses do not include bona fide medical establishments operated by state licensed and registered medical personnel with appropriate medical credentials for the treatment of patients. In determining whether a use is an adult-oriented business, only conduct or activities which constitute a regular and substantial course of conduct shall be considered. Isolated instances of conduct or activities described in this section as characterizing an adult-oriented business shall not be considered except where such activities, taken together, constitute a regular and substantial course of conduct.

An adult-oriented business shall include but not be limited to the following:

1. Adult Bookstore. "Adult bookstore" means an establishment as described in Chapter 17.76 of this code.

2. "Adult cabaret" means an establishment as described in Chapter 17.76 of this code.

3. Adult Model Studio. "Adult model studio" means an establishment open to the public where, for any fee or consideration of gratuity, figure models who display specified anatomical areas are provided to be observed, sketched, drawn, painted, sculptured, photographed, so similarly depicted by persons, other than the proprietor, paying such consideration of gratuity. This provision shall not apply to any school of art which is operated by an individual, firm, association, partnership, corporation or institution which meets the requirements established in the Education Code of the state for the issuance or conferring of, and is in fact authorized thereunder to issue and confer a diploma.

4. Adult Motel. "Adult motel" means a motel or similar establishment offering public accommodations for any form of consideration which provides patrons with closed-circuit television transmissions, films, motion pictures, video cassettes, slides or other photographic reproductions which are distinguished or characterized by an emphasis upon the depiction or description of specified sexual activities or specified anatomical areas.

5. Adult Motion Picture Arcade. "Adult motion picture arcade" (otherwise sometimes called peep shows) means any place to which the public is permitted or invited wherein coin- or slug-operated or electronically, electrically or mechanically controlled still or motion picture machines, projectors, or other image-producing devices are maintained to show images to one person per machine at any one time, and where the images so displayed are distinguished or characterized by an emphasis on depicting or describing specified sexual activities or specified anatomical areas.

6. Adult Theater. "Adult theater" means a theater, concert hall, auditorium or similar establishment, either indoor or outdoor in nature which, for any form of consideration, regularly features live performances which are distinguished or characterized by an emphasis on specified sexual activities or by exposure of specified sexual activities or by exposure of specified anatomical areas for observation by patrons.

7. Body Painting Studio. "Body painting studio" means an establishment or business which provides the service of applying paint or other substance whether transparent or nontransparent to or on the human body when such body is wholly or partially nude in terms of specified anatomical areas.

8. **Sexual Novelty Store.** "Sexual novelty store" means an establishment having, as a substantial portion of its stock-in-trade, goods which are replicas of or which stimulate, "specified anatomical areas" or "specified sexual activities," or goods which are designed to be placed on or in "specified anatomical areas," or to be used in conjunction with "specified anatomical areas" and to evoke sexual interest, or to be used in conjunction with "specified sexual activities," and to evoke sexual interest.

"Establishing an adult-oriented business establishment" means and includes any of the following:

1. The opening or commencement of any business defined as an adult-oriented business establishment herein;

2. The conversion of an existing business, whether or not an adult-oriented business establishment, to any of the adult-oriented business establishments as defined in this chapter;

3. The addition of any of the other adult-oriented business establishment uses defined herein to an existing adult-oriented business establishment; or

4. The relocation of any such business/use.

"Legitimate or live theater" means a theater, concert hall, auditorium or similar establishment which, for any fee or consideration, regularly features live performances which are not distinguished or characterized by an emphasis on the depiction or description of specified sexual activities or specified anatomical areas in that any such depiction or description is only incidental to the primary purposes of the performance.

"Massage parlor" means an establishment where, for any form of consideration, massage, alcohol tub, fomentation, electric or magnetic treatment, or similar treatment or manipulation of the human body is administered by a medical practitioner, chiropractor, acupuncturist, physical therapist or similar professional person licensed by the state. This definition does not include an athletic club, health club, school, gymnasium, reducing salon, spa or similar establishment where massage or similar manipulation of the human body is offered as an incidental or accessory service.

"Person" means and includes person(s), firms, corporations, partnerships, associations or any other forms of business organization or group.

"Private viewing room" means an area separated from the sales or display area of the establishment by a curtain, wall, door, shade or similar obstruction thus allowing the private viewing of video tapes, movies, transparencies, films or projectable motion picture, containing specified sexual activities or depicting specified anatomical areas, by customers at the establishments.

"Specified anatomical areas" means and includes any of the following human anatomical areas:

1. Less than completely and opaquely covered genitals, pubic regions, buttocks, anuses or female breasts below a point immediately above the top of the areolae; or

2. Human male genitals in a discernibly turgid state, even if completely and opaquely covered.

"Specified sexual activities" means and includes any or all the following:

1. The fondling or other erotic touching of the following human anatomical areas: genitals, pubic regions, buttocks, anuses or female breasts;

2. Sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation, or sodomy;

3. Masturbation, actual or simulated; or

4. Excretory functions as part of or in connection with any of the activities set forth in subsections 1 through 3 of this definition. (Prior code § 6300.50.2)

5.16.030 Permit required.

A. A person commits a misdemeanor if he or she operates an adult-oriented business within the city without a valid permit issued by the city for the adult-oriented business unless the adult-oriented business had been lawfully established and continually open for business at least one hundred eighty (180) days preceding the date on which the ordinance codified in this section becomes effective.

B. An application for a permit must be submitted to the city on a form provided by the Secretary of the Permit Committee. The application must be accompanied by a sketch or diagram showing the configuration of the premises, including a statement of total floor space occupied by the business. The sketch or diagram need not be professionally prepared but must be drawn to a designated scale or drawn with marked dimensions of the interior of the premises.

C. A conditional use permit, if required, must be obtained before a permit application may be accepted by the Secretary of the Permit Committee. The conditional use permit application shall be processed in accordance with the time limits of Section 17.76.060.

D. The applicant must be qualified according to the provisions of this chapter and the premises must be inspected and found to be in compliance with the applicable law and regulation by the Planning Department, Department of Community Development, Fire Department and the Police Department.

E. Any person who wishes to operate an adult-oriented business must sign the application for the license as the applicant.

F. The fact that a person possesses any other valid license or permit issued by the city does not exempt the person from the requirement of obtaining an adult-oriented business permit. A person who operates an adult-oriented business and possesses any other city license or permit shall comply with the requirements and provisions of this chapter and all City Codes as well as the requirements and provisions of such other permit. (Prior code § 6300.50.3)

5.16.040 Issuance of permit.

A. The Permit Committee shall issue or deny the issuance of a permit to an applicant within thirty (30) days after receipt of a completed application. The Permit Committee shall issue the permit unless the Permit Committee finds one or more of the following to be true:

1. An applicant is under eighteen (18) years of age;
2. An applicant is over due in payment to the city of fees owed by the applicant in relation to the adult-oriented business which is the subject of the application;
3. An applicant has failed to completely fill out the application for a permit or has provided materially false information on the application;
4. The license fee required by this chapter has not been paid;
5. The premises to be used for the adult-oriented business or any structural or operational element thereof has not been approved by the Planning Department, Community Development Department, Fire Department or the Police Department in compliance with applicable laws and ordinances, including the issuance of a conditional use permit pursuant to Section 17.76.030;
6. The applicant is operating the adult-oriented business without a permit in violation of Section 5.16.030 or Section 17.76.030;
7. The applicant has been convicted of a crime of moral turpitude at any time within a ten (10) year period preceding the date of the filing of the application.

B. The permit shall state on its face the name of the person or persons to whom it is issued, the expiration date, and the address of the adult-oriented business. The permit shall be posted in a conspicuous place at or near the entrance of the adult-oriented business so that it may be easily read at any time.

C. The Clerk of the Permit Committee shall send to the applicant or licensee, by certified mail, return receipt requested, written notice of the action to issue or deny the permit. The decision of the Permit Committee to deny issuance of the permit may be appealed by the applicant to the City Council as provided in Section 5.16.100. (Prior code § 6300.50.4)

5.16.050 Fees.

The initial application fee, the initial permit fee, and the annual renewal fee for an adult-oriented business permit shall be as established by the City Council by resolution adopted from time-to-time in accordance with Government Code Section 66016. (Prior code § 6300.50.5)

5.16.060 Inspection.

An applicant or permittee shall permit representatives of the Planning Department, Community Development Department, Fire Department and Police Department to inspect the premises of an adult-oriented business for the purpose of insuring compliance with the provisions of this chapter at any time the premises is open for business, provided reasonable and normal business operations shall not be interfered with and the inspection is conducted in the same manner as an inspection for other businesses. (Prior code § 6300.50.6)

5.16.070 Expiration of permit.

A. Each permit shall expire one year from the date of issuance and may be renewed only by making application upon penalty of perjury that there has been no material change in the business or its operation. Applications for renewal should be filed at least thirty (30) days before the expiration date; the application for renewal shall not extend the permit beyond the expiration date. The Clerk of the Permit Committee shall issue the permit or deny the application for renewal within thirty (30) days.

B. An adult-oriented business which was lawfully established and continuously open for business at least one hundred and eighty (180) days preceding the date on which the ordinance codified in this section becomes effective shall not be subject to the provisions of this chapter insofar as the issuance or renewal of a permit issued under this chapter may be concerned. (Prior code § 6300.50.7)

5.16.080 Suspension.

The Permit Committee shall suspend a permit if it determines that a permittee has failed to comply with any of the provisions of Sections 5.16.030, 5.16.040 and 5.16.050 of this chapter. The suspension shall be for thirty (30) days or until the violation is corrected, whichever time period is longer. (Prior code § 6300.50.8)

5.16.090 Revocation.

A. The Permit Committee shall revoke a permit if a cause for suspension in Section 5.16.080 occurs and the permit has previously been suspended within the preceding twelve (12) months; or,

B. The Permit Committee shall revoke a permit if it determines that:

1. A permittee submitted materially false or misleading information to the Permit Committee during the application process; or

2. A permittee or an employee knowingly operated the adult-oriented business when the permittee's permit was suspended;

C. When the Permit Committee revokes a permit, the revocation shall continue for one year and the permittee shall not be issued an adult-oriented business permit for that business for one year from the date the revocation became effective. (Prior code § 6300.50.9)

5.16.100 Appeal.

A. If the Permit Committee suspends or revokes a permit, the Secretary of the Permit Committee shall send to the applicant or permittee, by certified mail, return receipt requested, written notice of the action. The decision to suspend or revoke the permit shall be effective ten (10) days after the notice of the decision has been deposited in the United States Mail.

B. An appeal of the decision to suspend or revoke the permit may be submitted in writing to the City Clerk prior to the date on which the decision becomes effective. An application as submitted to the City Clerk of an appeal stays the decision to suspend or revoke the permit until a decision is rendered on the appeal by the City Council.

C. The appeal proceedings shall be conducted before the City Council within thirty (30) days following the date of receipt of the written application of the appeal by the City Clerk. The City Council may, in its sole discretion, appoint a hearing officer to conduct the hearing on the appeal provided however, that such an appointment of a hearing officer shall be made by the City Council within twenty (20) days following the date of receipt of the written application of the City Clerk. In either case, the hearing on the appeal shall be commenced within said thirty (30) day period and shall thereafter be concluded as promptly as prudent and feasible. The decision of the City Council (or its appointed hearing officer) regarding the action of the Permit Committee to suspend or revoke the permit shall be final and shall be subject to the provisions of Code of Civil Procedure Section 1094.6. (Prior code § 6300.50.10)

5.16.110 Transfer of permit.

Any permit shall be immediately void if the applicant attempts to transfer the permit to another person or location. (Prior code § 6300.50.11)

5.16.120 Location of adult-oriented businesses.

The location of an adult-oriented business shall be as specified in the zoning regulations of this code. (Prior code § 6300.50.12)

5.16.130 Injunction.

A person who operates or causes to be operated an adult-oriented business without a valid permit or in violation of Section 5.16.120, is subject to a suit for injunction as well as prosecution for criminal violations. (Prior code § 6300.50.13)

Chapter 5.17

MEDICAL MARIJUANA DISPENSARIES

Sections:

- 5.17.010** Medical marijuana dispensaries prohibited.
- 5.17.020** Separate offense for each day.
- 5.17.030** Public nuisance; civil injunction.
- 5.17.040** Criminal penalties.
- 5.17.050** Administrative remedies.
- 5.17.060** Definitions.
- 5.17.070** Findings.

5.17.010 Medical marijuana dispensaries prohibited.

A. No person(s) may operate a medical marijuana dispensary within the city of El Monte.

B. Any person who owns or manages real property located within the city of El Monte may not allow such property to be used for the operation of a medical marijuana dispensary.

C. No person(s) may be issued a business license or business permit to operate a medical marijuana dispensary within the city of El Monte.

D. The following entities shall supplement any application for a business license or business permit with valid evidence of licensure under the laws of the state of California: a clinic licensed pursuant to Chapter 1 of Division 2 of the Health and Safety Code; a healthcare facility licensed pursuant to Chapter 2 of Division 2 of the Health and Safety Code; a facility licensed pursuant to Chapter 2 of Division 2 of the Health and Safety Code; a residential care facility for persons with chronic life-threatening illnesses licensed pursuant to Chapter 3.01 of Division 2 of the Health and Safety Code; a residential care facility for the elderly licensed pursuant to Chapter 3.2 of Division 2 of the Health and Safety Code; a residential hospice, or a home health agency licensed pursuant to Chapter 8 of Division 2 of the Health and Safety Code. Failure to provide such evidence shall render any application for a business license or business permit incomplete. (Ord. 2687 § 1 (part), 2007)

5.17.020 Separate offense for each day.

Any person who violates any provision of this chapter shall be guilty of a separate offense for each and every day during any portion of which any such person commits, continues, permits, or causes a violation thereof, and shall be penalized accordingly. (Ord. 2687 § 1 (part), 2007)

5.17.030 Public nuisance; civil injunction.

The violation of any provision of this chapter or Section 17.06.180 of this code shall constitute, and is declared to be, a public nuisance and contrary to the public interest and shall, at the discretion of the city, create a cause of action for interim injunctive relief. (Ord. 2687 § 1 (part), 2007)

5.17.040 Criminal penalties.

Any violation of the provisions of this chapter or Section 17.06.180 of this code shall be deemed a misdemeanor. (Ord. 2687 § 1 (part), 2007)

5.17.050 Administrative remedies.

In addition to the civil remedies and criminal penalties set forth in this chapter, any violation of the provisions of this chapter may be subject to administrative remedies as set forth under Chapter 1.18 of this code. (Ord. 2687 § 1 (part), 2007)

5.17.060 Definitions.

The following words or phrases, whenever used in this chapter, shall be given the following definitions:

“Medical marijuana dispensary” means any facility or location, whether fixed or mobile, where medical marijuana is made available to or distributed by or distributed to one or more of the following: a primary caregiver, a qualified patient, or a person with an identification card. The terms “primary caregiver,” “qualified patient” and “person with an identification card” as used within this definition and under this chapter shall be identified in strict accordance with California Health and Safety Code Section 11362.5 et seq., inclusive of California Health and Safety Code Section 11362.7. A medical marijuana dispensary shall not include the following uses, as long as the location of such uses is otherwise regulated by the El Monte Municipal Code or applicable law: a clinic licensed pursuant to Chapter 1 of Division 2 of the Health and Safety Code; a healthcare facility licensed pursuant to Chapter 2 of Division 2 of the Health and Safety Code; a facility licensed pursuant to Chapter 2 of Division 2 of the Health and Safety Code; a residential care facility for persons with chronic life-threatening illnesses licensed pursuant to Chapter 3.01 of Division 2 of the Health and Safety Code; a residential care facility for the elderly licensed pursuant to Chapter 3.2 of Division 2 of the Health and Safety Code; a residential hospice, or a home health agency licensed pursuant to Chapter 8 of Division 2 of the Health and Safety Code, as long as such use complies strictly with applicable law, including, but not limited to, Health and Safety Code Section 11362.5 et seq.

“Person” means and includes, but is not limited to, any natural person, individual, firm, association, organization, sole proprietorship, general partnership, limited partnership, corporation, limited liability company, limited liability partnership, business trust, living trust, joint venture or any other legal entity. The term “person” as applied under this chapter is to be given the broadest possible meaning. (Ord. 2687 § 1 (part), 2007)

5.17.070 Findings.

The City Council adopts this chapter, Section 17.06.180 of this code and the definition for “medical marijuana dispensary” set forth under Section 17.04.020 of this code based on the testimony, reports and/or other supporting materials presented to the City Council during the first and/or second reading of the ordinance adopting those provisions. The City Council also makes the following findings in support of its decision to adopt this chapter and Sections 17.06.180 and the definition for “medical marijuana dispensary” set forth under Section 17.04.020:

A. The voters of the state of California approved Proposition 215 (codified as Health and Safety Code Section 11362.5 et seq., and entitled “The Compassionate Use Act of 1996”).

B. The intent of Proposition 215 was to enable persons who are in need of marijuana for medical purposes to be able to obtain and use marijuana without fear of state criminal prosecution under limited, specified circumstances.

C. The California legislature enacted S.B. 420 in the year 2004 in an effort to clarify the scope of the Compassionate Use Act of 1996 and to assist cities and other governing bodies in the adopting and enforcement of rules and regulations consistent with S.B. 420.

D. Neither Proposition 215 nor S.B. 420 expressly authorize “medical marijuana dispensaries” as defined under this chapter.

E. The Federal Controlled Substances Act, 21 U.S.C. Section 841, makes it unlawful to manufacture, distribute, dispense or possess marijuana.

F. The United States Supreme Court in *Gonzales v. Raich* (2005) 125 S.Ct. 2195, ruled that the Controlled Substances Act applies even in states such as California which have medical marijuana laws. In March of 2007, the Ninth Circuit Court of appeals, in revisiting the *Raich* matter on remand from the United States Supreme Court’s 2005 decision, found that the use of medical marijuana was not a fundamental right protected under the Fifth and Ninth Amendments of the United States Constitution.

G. Accordingly, medical marijuana dispensaries are illegal under federal law.

H. The illegality of medical marijuana dispensaries under federal law notwithstanding, such operations also generate serious negative secondary impacts which unduly burden the communities in which they are located; threaten public peace; and otherwise undermine efforts to safeguard the health, safety and welfare of the public at large. These negative secondary impacts outweigh whatever medical benefits may reasonably be attributed to the use of marijuana by the limited number of patients who reside in El Monte: (i) who are legitimately prescribed marijuana under legitimate circumstances by bona fide physicians; and (ii) who might actually patronize such an establishments.

I. The negative secondary impacts referenced above include burglaries, robberies, violence, increased vandalism, illegal sales of marijuana to, and use of marijuana by, minors and other persons without medical need in the areas immediately surrounding such medical marijuana dispensaries. (Ord. 2687 § 1 (part), 2007)

Chapter 5.20

AUTOMOBILE JUNK DEALERS

Sections:

5.20.010	Definitions.
5.20.020	Regulations.
5.20.030	Permit required.
5.20.040	Permit application.
5.20.050	Additional grounds for revocation.
5.20.060	Minors.
5.20.070	Business records.
5.20.080	Automobile records.
5.20.090	Report forms.
5.20.100	Files.
5.20.110	Enclosure.
5.20.120	Rubbish.
5.20.130	Fire extinguishers.

5.20.010 Definitions.

For the purpose of this chapter certain words and phrases shall be construed as follows, unless it is apparent from the context that a different meaning is intended.

"Automobile" means and includes automobiles, motor trucks, motorcycles, and any and all other motor vehicles which are self-propelled.

"Automobile junk dealer" means and includes any person who deals in, or who engages in the business of selling, exchanging, or otherwise disposing of, or who receives, stores, accumulates, or possesses or has in his possession, for the purpose of selling, exchanging or otherwise disposing of the same, any scrap iron or metal derived from or formerly a part of any automobile, or parts or accessories of and from old or used or junked automobiles, or old or used or worn automobile tires, tubes or casings, or other articles, parts or accessories used on, about or in connection with automobiles.

"Automobile junk yard" means and includes any building, store, warehouse, shed, structure, yard, enclosure, lot, open area, or other premises or place, where scrap iron or metal derived from or formerly a part of any automobile, or parts or accessories of or from old, used or worn tires, tubes or casings, or other articles, parts or accessories of or from old or used or worn or junked automobiles, or old, used or worn tires tubes or casings, or other articles, parts or accessories used on or about or in connection with automobiles, are kept stored, piled or accumulated for the purpose of selling, offering for sale, exchanging or otherwise disposing thereof.

"Automobile wrecking establishment" means and includes any building, store, warehouse, shed, structure,

yard, enclosure, lot, open area, or other premises or place where there is carried on, conducted or maintained the business of dismantling or taking parts or accessories from old or used or wrecked automobiles, or of storing, keeping or accumulating, or selling, offering for sale, exchanging or otherwise disposing of, such parts or accessories. (Prior code §§ 6325—6325.4)

5.20.020 Regulations.

No person shall commence, locate, establish, operate, engage in, or carry on, the business of an automobile junk dealer, or locate, establish, build, construct, equip, keep, operate, or carry on, any automobile junk yard, or automobile wrecking establishment, except as provided in this chapter. (Prior code § 6326)

5.20.030 Permit required.

No person shall conduct or engage in any business or occupation described in this chapter without having first obtained a permit pursuant to Chapter 5.12 of this title. (Prior code § 6327)

5.20.040 Permit application.

In addition to all requirements specified in or imposed under Chapter 5.12 of this title, each application for a permit for any business described in this chapter shall be accompanied by a certificate signed by at least three (3) reputable residents of the city, certifying to the good moral character and reputation of the persons or person making such application. No permit shall be granted to any person who does not bear a good character and reputation for honesty and integrity in the neighborhood in which he or she resides. (Prior code § 6327.1)

5.20.050 Additional grounds for revocation.

In addition to any other grounds specified in this chapter, the violation of any of the laws of the United States or of the state of California, or of any of the provisions of this code, or the unlawful possession by a permittee of any stolen automobile or of stolen parts or accessories of any automobile, shall constitute good cause for revocation and termination of any license or permit issued under this title. (Prior code § 6328)

5.20.060 Minors.

No person holding a permit under this chapter shall buy or receive any article or thing referred to in the definitions of "Automobile" or "Automobile junk dealer" in Section 5.20.010 from any motor under the age of eighteen (18) years; provided, however, that this prohibition shall not apply where the minor dealing with such person presents the written consent of his parent or

guardian, duly signed, authorizing the particular transaction had with such person; and provided, further, that such written consent shall be retained by said person as long as the property procured through said transaction remain in the possession of such person, and provided that said written consent shall be exhibited upon demand to any peace officer requiring the same. (Amended during 1999 recodification; prior code § 6329)

5.20.070 Business records.

Every person operating any business or establishment under this chapter shall keep at such place of business a substantial, well bound book in which there shall be entered at the time of purchase or receipt thereof an exact description of every article or thing referred to in the definitions of "Automobile" or "Automobile junk dealer" in Section 5.20.010 purchased or received by such person, together with the date of purchase, the name and residence or place of business of the person from whom purchased or received, the signature of the person from whom purchased or received, and all particular or prominent marks of identification that may be found on such property; said book shall be kept neat and clean and all entries therein made shall be neatly and legibly written in ink. Said book shall be open to the inspection of the Chief of Police, or any police officer of the City, at all times during ordinary hours of business. (Prior code § 6330)

5.20.080 Automobile records.

A. Every person operating any business referred to in this chapter shall keep a record of each and every automobile wrecked by such person in said business or establishment, which record shall be open to the inspection of the Chief of Police, or any police officer of the city, at all times during ordinary hours of business and shall within twenty-four (24) hours after the purchase or receipt of such automobile, make out and deliver to the Chief of Police of the city, on blanks furnished by the Chief of Police for that purpose, a full, true and complete report, written in the English language in a clear and legible manner, stating the make, state license number, motor number, style and seating capacity of such automobile; the true name as nearly as known, the age, sex, height, weight, and the residence or place of business of the person from whom purchased or received.

B. Every automobile purchased or received by any person operating any business referred to in this chapter shall be held in its original condition as purchased or received and shall not be wrecked or dismantled for a period of five (5) days next succeeding the date of so notifying the Chief of Police. (Prior code § 6331)

5.20.090 Report forms.

The Chief of Police shall cause such number of blanks to be printed as may be necessary for that purpose, and shall thereafter, from time to time, cause such additional blanks to be printed as may be required, which said blanks shall be so printed and subdivided that they shall have space for writing in the matters specified in Section 5.20.080, together with a caption providing blank spaces in which to fill in the date of said report and the name and residence or place of business of the person making the report. (Prior code § 6332)

5.20.100 Files.

The Chief of Police shall deliver said blanks to the persons from whom said reports are required, from time to time, free of charge, upon application therefor, and shall upon receipt of said report file the same in some secure place in his office, and the same shall be open to inspection only to the Police Department of the city, or upon the order of some court, duly made for that purpose. (Prior code § 6333)

5.20.110 Enclosure.

If any business referred to in this chapter shall be located in whole or in part in any yard, enclosure, lot, or open area, such premises shall be completely surrounded and enclosed by a wall, fence, or barrier, constructed of wood or other solid, impervious material, or of galvanized steel wire, extending above the ground for at least six (6) feet. Any and all necessary openings in said fence, wall or barrier, shall be provided with suitable gates or doors constructed of the same material and in the same manner of construction as is authorized by this section as suitable and sufficient for a fence, wall or barrier under this section. (Prior code § 6334)

5.20.120 Rubbish.

If any business referred to in this chapter shall be located in whole or in part in a yard, enclosure, lot or open area, such premises and area shall be kept clean and free from rubbish at all times and all loose metal, or parts or accessories of automobiles, and all other material kept, stored or accumulated in said place shall be neatly and carefully piled; all oils and grease from said automobiles shall be collected and deposited in containers and shall not be allowed to run on the premises, or on the public highway or on adjoining property. (Prior code § 6335)

5.20.130 Fire extinguishers.

No person shall permit any such business referred to in this chapter to be carried on unless there shall be kept on said premises, in good working order, at all times, fire

extinguishers in the number and of the style designated by the Fire Chief, as reasonably necessary to minimize and eliminate fire hazard on said premises. (Prior code § 6336)

Chapter 5.24**BINGO GAMES****Sections:**

- 5.24.010 **Bingo defined.**
- 5.24.020 **Permit—Eligible organizations.**
- 5.24.030 **Permit—Application.**
- 5.24.040 **Qualification.**
- 5.24.050 **Application—Contents.**
- 5.24.060 **Permit—Contents.**
- 5.24.070 **Permit—Duration—Renewal.**
- 5.24.080 **Permit—Designation of officers and managing employees.**
- 5.24.090 **Permit—Suspension or revocation.**
- 5.24.100 **Hearing procedure—Appeal.**
- 5.24.110 **Effect of revoked permit.**
- 5.24.120 **Maximum amount of prize.**
- 5.24.130 **Profits to be kept in separate fund or account.**
- 5.24.140 **Financial interest in permittee.**
- 5.24.150 **Exclusive operation by permittee.**
- 5.24.160 **Open to public.**
- 5.24.170 **Attendance limited to occupancy capacity.**
- 5.24.180 **Game only on permittee's property.**
- 5.24.190 **Minors not to participate.**
- 5.24.200 **Intoxicated persons not to participate.**
- 5.24.210 **Days and hours of operation.**
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- 5.24.230 **Public nuisance—Abatement.**
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5.24.010 Bingo defined.

For the purpose of this chapter, "bingo" means a game of chance in which prizes are awarded on the basis of designated numbers or symbols on a card which conforms to numbers or symbols selected at random. The game of bingo shall include cards having numbers or symbols which are concealed and preprinted in a manner providing for distribution of prizes. The winning cards shall not be known prior to the game by any person participating in the playing or operation of the bingo game. (Ord. 2488 § 1 (part), 1998: prior code § 6399.801)

5.24.020 Permit—Eligible organizations.

Organizations which are exempt from the payment of the Bank and Corporation tax pursuant to 23701(a), 23701(b), 23701(d), 23701(e), 23701(f), 23701(g) or

23701(1) of the Revenue and Taxation Code, mobile home park associations, and senior citizen organizations, and who meet the other qualifications set forth in this chapter are eligible to apply to the city for a permit to conduct bingo games in the city pursuant to the provisions of Section 326.5 of the Penal Code and the provisions of this chapter. No organization, other than a mobile home association and a senior citizen organization shall be deemed to be eligible to apply for a bingo game permit unless it has been in existence at a location or locations in the city for a period of five (5) years preceding the filing of an application. (Ord. 2488 § 1 (part), 1998: Ord. 2462 § 1, 1997; prior code § 6399.802)

5.24.030 Permit—Application.

Eligible organizations desiring to obtain a permit to conduct bingo games in the city shall file an application therefor, on a form prescribed by the city, in writing with the Business License Division together with a filing fee in the amount of fifty dollars (\$50.00). (Ord. 2488 § 1 (part), 1998: prior code § 6399.803)

5.24.040 Qualification.

No permit shall be issued unless the applicant is an eligible organization pursuant to Section 5.24.020 and its application conforms to the requirements, terms and conditions of this chapter. (Ord. 2488 § 1 (part), 1998: prior code § 6399.804)

5.24.050 Application—Contents.

The application for a permit shall contain the following:

A. The name of the applicant and material demonstrating the applicant's eligibility pursuant to Section 5.24.020; and

B. Whether the applicant organization has been operating in the city for at least five (5) years prior to the date of the application; and

C. The names of at least two (2) officers of the applicant organization; and

D. A description of the particular property within the city including the street address, owned or leased by or donated to, the applicant, and used by such applicant for an office and/or for performance of the purposes for which the applicant is organized, and on which property bingo games will be conducted, together with the occupancy capacity of such location; and

E. Proposed day of the week and hours of day for conduct of bingo games;

F. A statement that the applicant agrees to conduct bingo games in strict accordance with the provisions of Section 326.5 of the Penal Code and this chapter as the

same may be amended from time to time, and agrees that the permit to conduct bingo games may be revoked by the City Administrator upon violation of any of such provisions.

G. The application shall be signed by the applicant under penalty of perjury;

H. Such other information as deemed necessary by the city. (Ord. 2488 § 1 (part), 1998: prior code § 6399.805)

5.24.060 Permit—Contents.

Upon being satisfied that the applicant is qualified to hold a bingo permit and that it appears that the operation of bingo games will be conducted in accordance with all applicable laws, including this code, the city shall issue a permit to the applicant. Any such permit may be conditioned so as to insure compliance with applicable laws, including without limitation, this chapter. Each permit shall contain the following information:

A. The name and legal status of the organization to whom the permit is issued;

B. The address where bingo games are authorized to be conducted;

C. The occupancy capacity of the room in which bingo games are to be conducted;

D. The date of the expiration of such permit;

E. Any conditions imposed on the permit;

F. Such other information as may be necessary or desirable for the enforcement of the provisions of this chapter. (Ord. 2488 § 1 (part), 1998: prior code § 6399.806)

5.24.070 Permit—Duration—Renewal.

An annual permit issued shall be valid through and including December 31st of the calendar year in which the permit is issued. Qualified applicants may apply for renewal of permits. Renewal applications shall be filed and processed in accordance with the provisions of this chapter. If an application for a permit is denied, one-half of any permit fee paid shall be refunded to the applicant. (Ord. 2488 § 1 (part), 1998: prior code § 6399.807)

5.24.080 Permit—Designation of officers and managing employees.

Each permittee shall maintain on file with the Business License Division, a current list of the names, addresses and phone numbers of all officers of the permittee organization and the names, addresses and telephone numbers of those responsible persons who are conducting games pursuant to the permit for the permittee. (Ord. 2488 § 1 (part), 1998: prior code § 6399.808)

5.24.090 Permit—Suspension or revocation.

A. Whenever it appears to the City Administrator that a permittee is conducting a bingo game in violation of any applicable law, including without limitation, the provisions of this chapter, the City Administrator shall have the authority to summarily suspend the permit and order the permittee to immediately cease and desist any further operation of any bingo game.

B. The City Administrator shall give notice to the permittee of the violation and issue an order of suspension ("order"). The order shall advise the permittee that the permit has been suspended and shall state the effective date of such suspension together with a statement of reasons for the suspension. The permittee shall have ten (10) days from and after the date of service of the order within which to file an appeal appealing the decision of the City Administrator to suspend the permit. If for any reason the permittee fails to file a timely appeal, the order shall be deemed, for all purposes, to be an order of revocation and shall be final and conclusive subject only to judicial review. (Ord. 2488 § 1 (part), 1998: prior code § 6399.809)

5.24.100 Hearing procedure—Appeal.

A. Upon receipt of a timely filed appeal, the City Administrator shall designate a qualified person to act as the hearing officer with respect to said appeal. The hearing officer shall give the permittee, and any other person requesting the same, at least five (5) days' notice of the time and place of the conduct of the appeal hearing. At the time of the appeal hearing, the permittee and other interested persons shall be permitted to present such evidence as may be relevant to the issue of suspension and/or revocation of the permit involved. The technical rules of evidence shall not be applied to the proceeding by the hearing officer but the hearing officer shall take such steps as may be necessary to permit the presentation of evidentiary material which is relevant and reliable. The hearing officer shall, upon conclusion of the hearing, determine whether the permit should be revoked; and shall issue an order of revocation in the event the determination is to revoke the same.

B. A permittee or other interested person may file a written appeal appealing the decision of the hearing officer in the event of the issuance of an order of revocation, to the City Council. Such appeal shall be filed with the City Clerk within ten (10) days following the giving of notice of the issuance of the order of revocation by the hearing officer. Failure to timely file such an appeal for any reason shall result in the revocation order being final and conclusive for all purposes.

C. Where an appeal from a decision of the hearing officer has been timely made, the City Council shall set the matter for consideration at its next most convenient meeting. The hearing officer shall prepare a transcript of proceedings and shall transmit the same to the City Council and to the appellant. The City Council shall determine the appeal from the decision of the hearing officer solely based upon the transcript of proceedings presented by the hearing officer. The permittee and any other interested person may submit to the City Council written arguments in support of the position of such person. No additional evidence will be accepted relating to the matter. The decision of the City Council shall be final and conclusive, subject only to judicial review. (Ord. 2488 § 1 (part), 1998: prior code § 6399.810)

5.24.110 Effect of revoked permit.

Any organization whose permit is finally revoked may not again apply for a permit to conduct bingo games in the city for a period of one year from and after the date of such revocation; provided, however, if the ground for revocation is cancellation of the exemption granted under the appropriate Revenue and Taxation Code Section set forth in Section 5.24.020, such organization may again apply for a permit upon submitting proof of reinstatement of the exemption. (Ord. 2488 § 1 (part), 1998: prior code § 6399.811)

5.24.120 Maximum amount of prize.

The total value of prizes awarded during the conduct of any bingo games shall not exceed two hundred fifty dollars (\$250.00) in cash or kind, or both, for each separate game which is held. (Ord. 2488 § 1 (part), 1998: prior code § 6399.812)

5.24.130 Profits to be kept in separate fund or account.

All profits derived from a bingo game shall be kept and used in the manner prescribed by Section 326.5 of the Penal Code and shall principally be expended for charitable purposes in the city. The permittee shall keep full and accurate records of the income received and expenses disbursed in connection with its operation, conduct, promotion, supervision and all other phases of bingo games which are authorized by this chapter. Before renewal of the permit, the permittee must provide a copy of the previous year's income/expense statement to the city. In addition the city, by and through its authorized officers, shall have the right to examine and audit such records at any reasonable time and permittee shall fully cooperate with the city by making such records available. (Ord. 2488 § 1 (part), 1998: prior code § 6399.813)

5.24.140 Financial interest in permittee.

No individual, corporation, partnership or other legal entity except the permittee shall hold any financial interest in the conduct of any bingo game. (Ord. 2488 § 1 (part), 1998: prior code § 6399.814)

5.24.150 Exclusive operation by permittee.

A bingo game shall be operated, conducted and staffed only by members of the permittee organization. Such members shall not receive a profit, wage, salary or income of any kind from any bingo game. The permittee organization may, however, employ security personnel to provide security services at bingo games and pay for such personnel from game proceeds. Only the permittee shall operate such game and participate in the promotion, supervision or any other phase of such game. (Ord. 2488 § 1 (part), 1998: prior code § 6399.815)

5.24.160 Open to public.

All bingo games shall be open to the public, not just to the members of the permittee organization. (Ord. 2488 § 1 (part), 1998: prior code § 6399.816)

5.24.170 Attendance limited to occupancy capacity.

Notwithstanding that bingo games are open to the public, attendance at any bingo game shall be limited to the occupancy capacity of the room in which such game is conducted as determined by the fire department and building department of the city. A permittee shall not reserve seats or space for any person. (Ord. 2488 § 1 (part), 1998: prior code § 6399.817)

5.24.180 Game only on permittee's property.

A permittee shall conduct a bingo game only on property owned or leased by it, or on property whose use is donated to the organization and which property used by such organization for an office or for performance of the purposes for which the organization is organized. The permit shall be prominently displayed on the property where the bingo games are conducted and shall be presented immediately upon demand by a peace officer or an authorized agent of the city. Nothing in this section shall be construed to require that the property owned or leased by or donated to the permittee be used or leased exclusively by such permittee. (Ord. 2488 § 1 (part), 1998: prior code § 6399.818)

5.24.190 Minors not to participate.

No person under the age of eighteen (18) years shall be allowed to participate in any bingo game. (Ord. 2488 § 1 (part), 1998: prior code § 6399.819)

5.24.200 Intoxicated persons not to participate.

No person who is obviously intoxicated shall be allowed to participate in a bingo game. (Ord. 2488 § 1 (part), 1998: prior code § 6399.820)

5.24.210 Days and hours of operation.

A. Each permittee may conduct bingo games (1) one per calendar week; and (2) for one annual event conducted for not more than a three (3) consecutive day period.

B. No bingo game shall be conducted before nine a.m. of any day or after eleven p.m., of any day nor longer than a four (4) consecutive hour period. (Ord. 2488 § 1 (part), 1998: prior code § 6399.821)

5.24.220 Participant must be present.

No person shall be allowed to participate in a bingo game unless the person is physically present at the time and place in which the bingo game is being conducted. (Ord. 2488 § 1 (part), 1998: prior code § 6399.822)

5.24.230 Public nuisance—Abatement.

Any person who conducts a bingo game in the city for which a permit has not been issued or, if issued, has either been suspended or revoked, shall, in addition to any other penalty for such conduct, be deemed to be conducting a public nuisance on the property where the same is located. The conduct of such a game shall be deemed for all purposes to be a continuing public nuisance and shall be subject to abatement. City may elect to file a civil action to abate such a public nuisance and if the court determines that a public nuisance exists, the city shall be awarded its attorneys' fees and other costs incurred with reference to such civil action. Contemporaneously with such a civil action, criminal proceedings may also be filed against the person or persons conducting bingo games without there being a valid permit in effect. (Ord. 2488 § 1 (part), 1998: prior code § 6399.823)

5.24.240 Violation—Penalty.

Any person operating or conducting a bingo game without a valid subsisting permit which is and in full force and effect pursuant to this chapter, shall be deemed guilty of a misdemeanor. (Ord. 2488 § 1 (part), 1998: prior code § 6399.824)

Chapter 5.25

USE OF SHOPPING AND LAUNDRY CARTS

Sections:

- 5.25.010 Business permit required.**
- 5.25.020 Submission of proposed cart containment plan.**
- 5.25.030 Cart containment plan.**
- 5.25.040 Plan submission and disposition.**
- 5.25.050 Revocation of business permit.**
- 5.25.060 Appeals.**
- 5.25.070 Notices; deadlines dates.**
- 5.25.080 Definitions.**

5.25.010 Business permit required.

A. *Business Permit Required.* No business establishment which uses carts in its operations or which provides, or otherwise makes available, carts to its customers, may do so without a valid business permit issued by the Permit Committee in accordance with this chapter. Except as otherwise provided under this chapter, any such business permit shall remain valid for a period of two (2) years from the date of its issuance.

B. *Submission of Application; Other Communications.* Business permit applications and other material required under this chapter shall be submitted to the Permit Committee care of the El Monte License and Treasury Division. All other reports or communications which must be provided to the Director and/or the Permit Committee pursuant to this chapter shall be sent to both the Director and the Permit Committee care of the El Monte License and Treasury Division.

C. Any application for a business permit issued under this chapter shall be accompanied by the payment of administrative fees to recover the cost to the City of processing, reviewing and approving business permit applications issued under this chapter; as well as the cost of reviewing, approving, administering and enforcing cart containment plans required under this chapter. Such fees may be established and from time to time amended by City Council resolution, provided the amount of such fees reasonably approximates the cost of the service, function or task performed by the City. (Ord. 2704 §§ 1, 15 (part), 2007; Ord. 2691 § 2 (part), 2007)

5.25.020 Submission of proposed cart containment plan.

A. *Plan Required.* Any business establishment that applies for a business permit under this chapter shall be required to submit a proposed cart containment plan along

with its application. No business permit may be issued unless and until the Permit Committee approves a finalized cart containment plan for the business establishment. No business establishment may begin to use carts in its operations or otherwise provide, or make available, carts to its customers sooner than any time frame set forth in the approved cart containment plan. Except as otherwise provided under this chapter, any cart containment plan approved by the Permit Committee shall remain valid for a period of two (2) years from the date of issuance of the business permit to which it corresponds.

B. *Renewals.* An application to renew a business permit and a corresponding cart containment plan shall be filed and processed in the same manner as an application for a new business permit and the submission of an initial proposed cart containment plan.

C. *Commencement of Application Process.* The Permit Committee shall commence with the acceptance of business permit applications and proposed cart containment plans no sooner than ninety (90) days from the effective date of the ordinance which initially codifies this chapter. Within six (6) months from the effective date of this chapter, all business establishments using carts in their operations or which otherwise provide or make available carts to their customers shall be required to possess a valid business permit issued pursuant to this chapter and shall also be required to comply with the terms of a corresponding and duly approved cart containment plan. (Ord. 2704 §§ 2, 15 (part), 2007; Ord. 2691 § 2 (part), 2007)

5.25.030 Cart containment plan.

A. *Basic Elements of Plan.* At a minimum, all cart containment plans (whether proposed or approved) shall include the following basic elements which shall mandate the implementation of specific measures and practices that address the issue of cart containment as follows:

1. *Up-to-Date Contact Information.* The cart containment plan shall (i) state the name, physical address and on-site telephone number (and fax number, if available) of the business establishment; (ii) the name of the person(s) having a controlling ownership interest in the business establishment as well as the business address, telephone number (and fax number, if available) of the same; and (iii) if applicable, the name, business address, telephone number and fax number of any cart retrieval service contracted to retrieve carts for the business establishment. The business establishment shall be required to notify the Director and the Permit Committee in writing within seven (7) calendar days of the date any of the information required under this subsection (A)(I) of this section changes.

2. *Cart Inventory; Compliance with Mandatory Cart Signage Requirements.* The cart containment plan shall include a complete inventory of all carts located on the premises whether owned by, furnished to, or otherwise used by the business establishment in its operations. Each such cart shall be identified by serial number of such other numbering system as may be employed by the business establishment. The cart containment plan shall identify those measures that must be, or have been, undertaken by the business establishment to comply with the mandatory cart signage requirements set forth under Section 8.54.040 (Mandatory Cart Signage) of Chapter 8.54 of this code and shall require that any cart owned by, furnished to, or otherwise used by the business establishment comply with these requirements. If full compliance with the signage requirements is not complete as of the date the containment plan is approved, the plan shall set forth a time frame for full compliance not to exceed ninety (90) calendar days from the date of approval. No later than the tenth (10th) day of each calendar month following the approval of a cart containment plan, the business establishment shall be required to provide the Director and the Permit Committee with an updated inventory list identifying all carts which are no longer in its inventory, all new carts added to its inventory and all carts which remain in its inventory since the last reporting.

3. *Notice to Customers.* The cart containment plan shall require that written notice be provided to customers in English, Spanish and Mandarin Chinese stating that the unauthorized removal of carts from the premises is prohibited under the laws of the state of California and a violation of this code. Such notice may be provided in the form of flyers distributed on the premises, warnings printed on shopping bags or direct mail. In addition, the business establishment shall be required to place and maintain cart removal warning signs which meet all of the following minimum specifications: (i) meet or exceed eighteen (18) inches in width and twenty-four (24) inches in height; (ii) using block lettering not less than one-half inch in width and two (2) inches in height, contain a statement in English, Spanish and Mandarin Chinese, warning that the unauthorized removal of carts from the premises, or possession of a cart in a location other than the premises, is a violation of the laws of the state of California and this code; and (iv) be conspicuously affixed to an interior wall of the building in which the business establishment is located or permanently and prominently displayed within two (2) feet of all building entrances and exits. The cart containment plan shall detail the specific means by which the business establishment shall comply with this element.

4. *Daily Cart Confinement.* All carts located on the premises of the business establishment (other than an establishment open for business twenty-four (24) hours per day) shall be collected at the end of each business day by employees of the business establishment and shall be collectively confined in a secure manner at the cart confinement area on the premises as designated in the cart containment plan until the commencement of the next business day. All carts located on the premises of any business establishment open for business twenty-four (24) hours per day, other than carts then currently in use by a customer, shall be collected by employees of the retail establishment and returned to the designated cart confinement area on the premises at least twice per calendar day between the hours of one p.m. and five p.m. and the hours of eight p.m. and one a.m. for each day the business establishment is open for business. The provisions of this element shall not apply to carts which are physically confined within an enclosed building. The cart containment plan shall set forth the means by which the business establishment shall comply with the provisions of this element.

5. *Retrieval from Immediate Vicinity of Premises.* The business establishment shall designate employees in sufficient number to assure that all public streets and sidewalks immediately abutting the outer perimeter of the premises are patrolled no less often than once every six (6) hours. Each cart found as a result of such patrols shall be immediately retrieved by the business establishment so as to prevent it from blocking sidewalks or rolling onto streets. The cart containment plan shall identify the areas to be patrolled as required by this element; the number of personnel designated to undertake such patrols; the manner, frequency and times of such patrols; and the procedures to be employed by the business establishment to identify and retrieve any lost, stolen or abandoned carts. The cart containment plan shall require that the business establishment maintain a daily log indicating the time and frequency of such patrols and the names of the person undertaking such patrols on behalf of the business establishment. Each daily log shall be maintained by the business establishment for a minimum of three (3) years and shall be made available for inspection and copying within forty-eight (48) hours following any oral or written request for inspection and copying by the Director or the Permit Committee.

6. *Employee Training.* The business establishment shall implement and maintain a periodic training program for its new and existing employees designed to educate such employees concerning the requirements of the cart containment plan and the provisions of state law prohibiting the unauthorized removal of carts from the premises of

a business establishment. The cart containment plan shall describe the elements of the employee training program.

7. *Retrieval Personnel.* Each business establishment shall provide personnel for purposes of the retrieval of lost, stolen or abandoned carts. Such personnel may be either employees of the business establishment or one or more independent contractors hired by the business establishment to provide cart retrieval services, or a combination of both. The cart containment plan shall either (i) identify the number of employees assigned to cart retrieval duties, the number of total hours per week that each assigned employee will perform such services (in addition to any on-premises retrieval duties to which such employee may be assigned), and the training each such personnel has received or will receive concerning the retrieval of lost, stolen or abandoned carts; or (ii) include a copy of each contract with a cart retrieval service. For purposes of this section, those identified in the cart containment plan as providing cart retrieval services, shall be referred to in this section as "retrieval personnel." The business establishment shall provide written authorization to all retrieval personnel which authorization shall be carried by each such person while performing cart retrieval services on behalf of the business establishment and shall be provided to any enforcement personnel upon request. Each vehicle used by retrieval personnel shall bear conspicuous signs on the vehicle identifying either the name of the business establishment for which such retrieval service is being performed or, if applicable, the name of the cart retrieval service with which the retail establishment has contracted for such service. The cart containment plan shall set forth the means by which the business establishment shall comply with this element.

8. *Physical Containment Measures.* The cart containment plan shall identify all such physical containment measures installed or otherwise employed by the business establishment in compliance with Chapter 17.06 (General Regulations) of Title 17 (Zoning) of this code. Each business establishment shall maintain all such physical containment systems, devices and/or equipment in good working order. All such physical containment measures must remain in operation at all times. With respect to containment systems involving wheel locking or stopping mechanisms used in conjunction with an electronic or magnetic barrier, such systems may be rendered temporarily inoperable by the business establishment for the limited purpose of undertaking scheduled repairs and/or maintenance, provided that the City is given at least three (3) business days prior written notice of such work and provided such notice also includes the approximate times at which the system shall be rendered inoperable and the estimated time in

which all such work shall be completed. All such repairs and maintenance shall be completed within seven (7) calendar days from the estimated date of completion. During any period in which the system is inoperable regardless of the cause, the business establishment shall dispatch employees or security guards to deter or stop customers from removing carts from the premises.

B. *Compliance Required.* Each business establishment subject to this section shall comply with the terms, conditions and requirements of this section, its approved cart containment plan and the underlying business permit to which the cart containment plan corresponds. (Ord. 2704 §§ 3, 14 (part), 15 (part), 2007; Ord. 2691 § 2 (part), 2007)

5.25.040 Plan submission and disposition.

A. *Submission of Plan.* Upon the filing of a complete and accurate application for a business permit along with the submission of a complete proposed cart containment plan and upon the receipt of any required processing fee, the Permit Committee shall have sixty (60) calendar days to review and analyze the application and the proposed cart containment plan; and schedule a public hearing on the matter.

B. *Committee Options.* The applicant-business establishment shall bear the burden of providing sufficient documentation and exhibits to allow the Permit Committee to render a decision upon the application and the proposed cart containment plan. In rendering a decision the Permit Committee may:

1. Approve the cart containment plan as proposed by the business establishment and approve the underlying business permit;
2. Deny the cart containment plan as proposed by the business establishment and deny the underlying business permit;
3. Approve a cart containment plan that modifies or amends the conditions, requirements, performance deadlines and/or measures contained in the proposed plan and approve the underlying business permit subject to such modifications and/or amendments; or
4. Continue the approval proceedings in its own discretion for a period not to exceed fifteen (15) calendar days so that the Permit Committee may obtain or receive additional information relevant to its final disposition on the matter or so that the applicant may modify or amend its proposed cart containment plan in an attempt to address issues and concerns raised by the Permit Committee. Such proceedings may be continued for a period not to exceed thirty (30) days with the consent of the applicant which consent must be stated verbally by the applicant or its rep-

representative at the hearing prior to the making of a motion for a continuance.

The decision of the Permit Committee shall be made in writing and notice thereof shall be transmitted to the business establishment by the United States Postal Service, first-class mail, postage prepaid, or by personal delivery or fax transmission. If the application and/or the proposed cart containment plan is denied, the notice of decision given to the business establishment shall state the grounds upon which the proposed cart containment plan was denied. A decision of the Permit Committee may be appealed by the business establishment in the time and manner provided in Section 5.25.060 (Appeals) of this chapter.

C. Substantial Evidence. The decision of the Permit Committee shall be supported by substantial evidence and shall be based on (i) the information contained in, or submitted with, the application and the proposed cart containment plan; (ii) the written reports or other communications of City staff presented to the Permit Committee at or before the hearing; (iii) such other written documentation as may be presented by the applicant, City staff, the Los Angeles County Fire Department or members of the general public at or before the hearing; (iv) the personal observations of the Permit Committee members, provided the applicant, at a minimum, is given an opportunity to verbally rebut or otherwise challenge such observations; and (v) the oral testimony, statements and/or reports of the applicant, the applicant's representative(s), City staff, members of the Permit Committee, and/or members of the general public.

D. Relevant Factors. In rendering any decision on an application, a cart containment plan or a renewal of either, the Permit Committee may consider the: (i) the effectiveness or ineffectiveness of a previously approved cart containment plan in reducing the number of carts removed from a premises; (ii) the proximity of the business establishment to schools, parks or other locations in the City where children regularly congregate; (iii) the proximity of the business establishment to major roadways or pedestrian rights-of-way where stray or abandoned carts are likely to cause injury or impediment; (iv) the business establishment's history of compliance under previously approved business permits and/or cart containment plans; (v) the physical and/or aesthetic compatibility of a proposed cart containment plan and measures employed thereunder with the size, shape or approved design and/or approved use of a premises; and/or (vi) whether the use of carts at the premises or the use of carts in the manner contemplated under a proposed cart containment plan will be inimical to, or will jeopardize the preservation of the public peace, safety or welfare. (Ord. 2704 §§ 14 (part), 15 (part), 2007; Ord. 2691 § 2 (part), 2007)

5.25.050 Revocation of business permit.

A. An approved business permit may be revoked by the Permit Committee upon any of the following grounds:

1. The owner of the business establishment is operating, or is permitting the operation of, the business establishment in violation of one or more of the provisions of the approved cart containment plan and has failed to correct said violation(s) within a period of fifteen (15) calendar days following the date of receipt of written notice of such violation(s) from the City; or

2. The owner of any business establishment with an approved cart containment plan is operating, or is permitting the operation of, the retail establishment in violation of one or more of the requirements of this chapter, Chapter 8.54 or Chapter 17.06 of this code and has failed to correct said violation(s) within a period of fifteen (15) calendar days following the date of receipt of written notice of such violation(s) from the City.

B. Order to Show Cause. If at any time following the issuance of a business permit and the approval of a cart containment plan, the Permit Committee obtains information or evidence that any of the grounds set forth in subsection A of this section, above, may exist, the Permit Committee shall issue a written order to show cause as to why the business permit should not be revoked and schedule a hearing thereon which hearing shall not be less than fifteen (15) calendar days nor more than thirty (30) calendar days following the date such order to show cause is received by the business establishment. The order to show cause shall state the grounds upon which it is proposed to revoke the approved business permit and shall include the information and evidence, or a summary thereof, upon which such order to show cause was issued.

C. Notice of Hearing. Notice of the hearing on any order to show cause issued pursuant to this section.

D. Conduct of Hearing. The hearing to consider revocation of a business permit shall be conducted informally and the legal rules of evidence shall not be applicable. The owner or designated representative of the business establishment and the City shall each have the opportunity to present evidence and witnesses in support of or in opposition to the contemplated revocation. The parties may each be represented by legal counsel or other representatives of their choice. The City shall bear the burden of proof to establish, by a preponderance of the evidence, that grounds exist to revoke the business permit. The Permit Committee, in its discretion, and as an alternative to revocation, may consider amendment of the cart containment plan if the grounds for the order to show cause are due solely to the inadequacy of the approved cart containment plan.

E. Decision of the Permit Committee. Within thirty (30) calendar days following the conclusion of the hearing, the Permit Committee shall render its decision in writing either dismissing the proceedings or revoking the business permit or dismissing the proceedings subject to amendment of the cart containment plan. If the business permit is revoked or the cart containment plan amended, the decision shall specify the findings of fact and the reasons for such action. If the cart containment plan is amended, the decision of the Permit Committee shall also specify the amendments to the cart containment plan.

F. Appeal of Decision. Any decision of the Permit Committee to revoke a business permit or amend a cart containment plan shall be subject to appeal by the business establishment within the time and in the manner specified in Section 5.25.060 of this chapter. In the absence of a timely appeal, the decision of the Permit Committee shall be final and conclusive.

G. Use of Shopping Carts Following Revocation Prohibited. No business establishment subject to the requirements of this chapter shall provide or make available carts for use by its customers or otherwise use carts in its operations following the date of any decision revoking a business permit unless and until a new business permit and cart containment plan is approved by the Permit Committee for such business establishment. Notwithstanding any other provision of this chapter, a business establishment shall not be eligible to submit a new application for a business permit and new proposed cart containment plan for processing for a minimum of one hundred eighty (180) days following the date any decision revoking the prior business permit for such business establishment becomes final. Any new application for a business permit submitted to the City for such a business establishment during said one hundred eighty (180) day period shall be returned to the business establishment as untimely. (Ord. 2704 §§ 4—7, 14 (part), 15 (part), 2007; Ord. 2691 § 2 (part), 2007)

5.25.060 Appeals.

A. Filing of Appeal. Any business establishment aggrieved by any adverse decision of the Permit Committee pursuant to this chapter may appeal such decision to the City Council within ten (10) calendar days following the date of giving of notice of such decision by filing with the City Clerk a written notice of appeal specifically stating and enumerating the issues appealed. Such appeal shall be deemed filed on the date the appeal is actually received in the office of the City Clerk accompanied by an appeal processing fee in such an amount as may be established and from time to time amended by City Council resolution. No appeal shall be accepted for filing and processing

by the City Council unless accompanied by any applicable appeal processing fee.

B. Notice of Hearing. If the appeal is timely filed, the City Clerk shall notify the City Council and the Permit Committee of such timely filing. The City Council shall then have fifteen (15) days to designate a Hearing Officer by resolution. The designated Hearing Officer shall thereafter cause the matter to be set for hearing which hearing date shall be held within sixty (60) calendar days following the date of receipt of such notice of appeal. The appellant shall be provided not less than ten (10) calendar days' written notice of the date, time and place of the hearing.

C. Conduct of Hearing. The hearing shall be conducted informally and the legal rules of evidence shall not be applicable. The parties may each be represented by legal counsel or other representatives of their choosing. No additional evidence or argument shall be received or considered following the conclusion of the hearing except as may be agreed to by stipulation of the parties.

D. Decision by Hearing Officer.

1. Time Period for Decision. The Hearing Officer shall render a decision on the appeal and adopt findings of in support of such decision within thirty (30) calendar days following the conclusion of said hearing.

2. Application Appeal. If the business establishment appeals all or any portion of a decision rendered pursuant to Section 5.25.040 (Plan Submission and Disposition), the Hearing Officer shall determine whether or not the decision or portion thereof that is the subject of the appeal was supported by substantial evidence and/or based on factors relevant to the approval, denial or conditional approval of an initial application or renewal of a business permit and its corresponding cart containment plan. The Hearing Officer's decision shall be based upon all evidence, documentation, testimony and other information presented to the Permit Committee in accordance with Sections 5.25.040(C) and (D) of this chapter; the written appeal of the business establishment; the written argument, points and/or authorities of the parties submitted in support of or in opposition to the appeal; the oral argument of the parties at the hearing; and such additional evidence and/or testimony as may be introduced by stipulation of the parties. The Hearing Officer shall not consider or rule upon any issue not raised by the business establishment in its appeal. Any written argument, points and/or authorities in support of, or in opposition to, the appeal shall be submitted to the Hearing Officer care of the City Clerk no later than ten (10) calendar days prior to the date of the scheduled appeal hearing. In rendering a decision, the Hearing Officer may uphold, reverse and/or modify the decision of the Permit Committee.

3. Revocation Appeal. If the business establishment appeals all or any portion of a decision rendered pursuant to Section 5.25.050 (Revocation of Business Permit), the Hearing Officer shall determine whether or not the decision was supported by a preponderance of evidence presented to the Permit Committee. The Hearing Officer's decision shall be based upon all evidence, documentation, testimony and other information presented to the Permit Committee in accordance with the proceedings set forth under Section 5.25.050 of this chapter; the written appeal of the business establishment; the written argument, points and/or authorities of the parties submitted in support of or in opposition to the appeal; the oral argument of the parties at the hearing; and such additional evidence and/or testimony as may be introduced by stipulation of the parties. The Hearing Officer shall not consider or rule upon any issue not raised by the business establishment in its appeal. Any written argument, points and/or authorities in support of, or in opposition to, the appeal shall be submitted to the Hearing Officer care of the City Clerk no later than ten (10) calendar days prior to the date of the scheduled appeal hearing. In rendering a decision, the Hearing Officer may uphold, reverse and/or modify the decision of the Permit Committee.

E. Decision is Final. The decision of the Hearing Officer shall be final and conclusive on the date said decision is deemed given to the appellant. (Ord. 2704 § 15 (part), 2007; Ord. 2691 § 2 (part), 2007)

5.25.070 Notices; deadlines dates.

A. Notices. Any notice, decision or written communication issued by Hearing Officer, the Permit Committee or any other official, officer or employee of the City which is required under this chapter shall be conclusively deemed received by the recipient on the date of personal service or three (3) consecutive days following deposit of the same in the United States Mail, certified and properly addressed. In the event contact information for a cart owner or a business establishment changes, the cart owner or business establishment, whichever the case may be, shall provide the Permit Committee with an update within three (3) business days of said change. Such updated contact information shall be sent to the Permit Committee care of the El Monte License and Treasury Division.

B. Deadline Dates. If any deadline date set forth under this chapter falls on a date in which the City of El Monte is not open for business, the deadline date shall be extended to five-thirty p.m. of the next day in which the City of El Monte is open for business. (Ord. 2704 §§ 14 (part), 15 (part), 2007; Ord. 2691 § 2 (part), 2007)

5.25.080 Definitions.

Except as otherwise provided under this chapter, the defined terms set forth under Section 8.54.100 (Definitions) of Chapter 8.54 (Abandoned Carts - Retrieval and Impoundment) shall have the same meaning when used in this chapter. (Ord. 2691 § 2 (part), 2007)

Chapter 5.28

CLOSING OUT SALES

Sections:

5.28.010	Definitions.
5.28.020	Fake sales prohibited.
5.28.030	Permit required.
5.28.040	Permit application.
5.28.050	Surety bond.
5.28.060	Terms of permit.
5.28.070	Duties of permittee.
5.28.080	Additional goods prohibited.
5.28.090	Examination of records.
5.28.100	Permit suspension.

5.28.010 Definitions.

For the purpose of this chapter the following words and terms shall be deemed to mean and be construed as follows:

"Advertise," "Advertisement," "Advertising," "Publish," "Publications," means and includes any and all means whether oral, written, lettered or printed, used for conveying to the public notice of the conduct of a sale as defined herein, or notice of intention to conduct such sale, including but not limited to oral or written announcements by proclamation or outcry, newspaper advertisement, magazine advertisement, handbill, written or printed display, billboard display, poster, radio and television announcement.

"Closing out sale" means and includes each of the following:

1. Any sale of, or any offer to sell, to the public or any group thereof, goods, wares, or merchandise on order, in transit, or in stock, in connection with a declared purpose as set forth by advertising that such sale is anticipatory of or to avoid the termination, liquidation, revision, windup, discontinuance, removal, dissolution or abandonment of the business or that portion of the business conducted at any location; and

2. All sales advertised in any manner calculated to convey to the public the belief that upon the disposal of the goods to be placed on sale, the business or that portion thereof being conducted at any location will cease, be removed, be interrupted, discontinued or changed; and

3. All sales advertised to be "Adjuster's Sale," "Adjustment Sale," "Assignee's Sale," "Bankrupt Sale," "Benefit of Administrator's Sale," "Benefit of Creditors' Sale," "Benefit of Trustee's Sale," "Building Coming Down Sale," "Closing Out Sale," "Creditor's Committee Sale," "Creditor's Sale," "Damaged Goods Sale," "End Sale," "Executor's Sale," "Final Days Sale," "Fire Sale,"

"Forced Out Sale," "Forced Out of Business Sale," "Insolvent Sale," "Insurance Salvage Sale," "Liquidation Sale," "Loss of Lease Sale," "Mortgage Sale," "Outselling Sale," "Receiver's Sale," "Reorganization Sale," "Salvage Sale," "Selling Out Sale," "Smoke Sale," "Smoke and Water Sale," "Trustee's Sale," "Quitting Business Sale," "Wholesale Closing Out Sale," "We Quit Sale," "We Give Up Sale," "Fixtures For Sale," or advertised by any other expression or characterization closely similar to any of the foregoing and calculated to convey the same meaning; and

4. All sales advertised in a manner calculated to indicate that the goods, wares or merchandise to be sold, or any part thereof, have been involved in any business failure or have been derived from a business which has failed, been closed, discontinued or liquidated; and

5. All sales accompanied by notices or advertising indicating that the premises are available for purchase or lease or otherwise to be vacated; and

6. All sales accompanied by advertising indicating a business emergency or failure affecting the seller or any previous holder of the goods to be disposed of.

"Fake sale" means and includes any of the following:

1. The sale of goods, wares or merchandise, at auction or otherwise to agents or other persons purchasing the same for or on behalf of the owner or other person interested in the selling thereof;

2. The offering for sale of goods, wares or merchandise of a different quality, brand or bearing a different trademark than the merchandise previously advertised for sale;

3. The sale of any goods, wares or merchandise misrepresented as to quantity or quality or otherwise;

4. The sale or offering for sale of any goods, wares or merchandise transported or brought into the city and not constituting the original legitimate stock of goods, wares and merchandise of a place of business within said city, as the original and legitimate stock of goods, wares and merchandise of such place of business, at a bankrupt, insurance, mortgage, insolvency, assignee's, receiver's, trustee's, creditor's, executor's or administrator's sale, or a forced removal sale, or closing out sale, or the sale of goods damaged by fire, smoke, water or otherwise. Nothing herein shall be deemed to prohibit the sale of the original stock of goods, wares and merchandise of any place of business at a bankrupt, insurance, mortgage, insolvency, assignee's, receiver's, trustee's, creditor's, or administrator's forced removal or closing out sale, but the bringing of new stock into any such place of business or the adding of new stock to such original stock of goods, wares and merchandise and selling or offering to sell such new stock or added stock of such goods, wares and

merchandise at said place of business at any of the sales above described, is declared unlawful and to be a fake sale within the meaning thereof.

"Permit" means a permit issued pursuant to this chapter.

"Permitted sale" means any sale for which a permit has been issued under this chapter.

"Permittee" means any person to whom a permit has been issued pursuant to this chapter. (Prior code §§ 6398—6398.6)

5.28.020 Fake sales prohibited.

It is unlawful for any person to conduct, make or advertise any fake sale of goods, wares or merchandise in the city. (Prior code § 6399)

5.28.030 Permit required.

No person shall advertise or conduct a closing out sale as herein defined without first obtaining a permit therefor.

A. Regulations. The provisions of this chapter are intended to augment and be in addition to the provisions of Chapters 5.04 and 5.08 of this title providing for a business license tax. Whenever the provisions of this chapter impose a greater restriction upon persons, premises, business or practices than is imposed by the general business license regulations, the provisions of this chapter shall control.

B. Interval Between Sales. Any person who has held a sale of the type regulated hereunder, at the location stated in the application, within one year last past from the date of such application shall not be granted a permit.

C. Restricted Location. If a person applying for a permit hereunder operates more than one place of business, the permit issued shall apply only to the one store or branch specified in the application, and no other store or branch shall advertise or represent that it is cooperating with it, or in any way participating in the permitted sale, nor shall the store or branch conducting the permitted sale advertise or represent that any other store or branch is cooperating with it or participating in any way in the permitted sale.

D. Persons Exempted. The provisions of this chapter shall not apply to or affect the following persons:

1. Persons acting pursuant to an order or process of a court of competent jurisdiction;
2. Persons acting in accordance with their powers and duties as public officials;
3. Duly licensed auctioneers, selling at auction;
4. Any publisher of a newspaper, magazine or other publication, who publishes in good faith any advertisement, without knowledge of its false, deceptive or misleading character, or without knowledge that the provi-

sions of this chapter have not been complied with. (Prior code §§ 6399.1—6399.5)

5.28.040 Permit application.

In addition to the requirements specified in or imposed under Chapter 5.12 of this title each application for a permit to conduct any sale regulated by this chapter shall specify the following information:

A. The true name and address of the owner of the goods to be the object of the sale;

B. The true name and address of the person from whom he purchased the goods to be sold and the price therefor, and if not purchased, the manner of such acquisition;

C. The address of the place where such sale is to be held;

D. The nature of the occupancy, whether by lease or sublease and the effective date of termination of such occupancy;

E. The dates of the period of time in which the sale is conducted;

F. A full and complete statement of the facts in regard to the sale, including the reason for the urgent and expeditious disposal of goods thereby and the manner in which the sale will be conducted;

G. The means to be employed in advertising such sale together with the proposed content of any advertisement;

H. An itemized stock list or inventory of the goods, wares, and merchandise to be offered for sale, together with the cost at which the goods, wares and merchandise was obtained by the owner thereof, or the person conducting such sale. All goods, wares and merchandise listed upon the inventory, herein required, shall be so described in detail by manufacturer's name and lot number, the individual number of articles so numbered, colors, sizes and otherwise, that the identity of such goods with the goods listed on such inventory can be readily determined. All goods included in such inventory shall have been purchased by the applicant for resale on bona fide orders without cancellation privileges and shall not comprise goods purchased on consignment. Such inventory shall not include goods ordered in contemplation of conducting a sale regulated hereunder. Any unusual purchase, or additions to the stock of goods of the business affected made within thirty (30) days before the filing of any application hereunder shall be deemed to be of such character;

I. The place where such stock was purchased or acquired, and if not purchased, the manner of such acquisition; and in the case of stock placed upon the premises

within thirty (30) days prior to such sale, the time of acquisition of such stock;

J. The name of the owner of the goods, wares and merchandise to be offered for sale;

K. The name of the person conducting such sale if the sale is to be conducted by a person not the owner of the goods. (Amended during 1999 recodification; prior code § 6399.6)

5.28.050 Surety bond.

Each applicant for a permit to conduct any sale regulated by this chapter shall file with the city a corporate surety bond in the penal sum of one thousand dollars (\$1,000.00) conditioned upon compliance with the provisions of this chapter. (Prior code § 6399.8)

5.28.060 Terms of permit.

A permit under this chapter shall be issued on the following terms:

A. **Permit Period—Renewal.** The permit shall authorize the sale described in the application for a period of not more than sixty (60) consecutive days; provided, however, that the Permit Committee may, upon application therefor, accompanied by such renewal fee as may be elsewhere specified, renew said permit for a period of not to exceed thirty (30) days. Such application for renewal shall set forth a complete list of goods listed in the original application and remaining unsold, and shall not contain any goods, wares or merchandise not named in such original application. Upon receipt of such application for renewal the License Officer shall cause an investigation to be made at once, and if satisfied of the truth of the statement therein contained, shall grant such renewal.

B. **Nature of Sale.** The permit shall authorize only the one type of sale described in the application at the location named therein.

C. **Saleable Goods.** The permit shall authorize only the sale of goods described in the inventory attached to the application.

D. **Nontransferability.** Any permit herein provided for shall not be assignable or transferable. (Prior code § 6399.9)

5.28.070 Duties of permittee.

A permittee hereunder shall:

A. Make no additions whatsoever, during the period of the permitted sale, to the stock of goods set forth in the inventory attached to the application for permit;

B. Refrain from employing any untrue, deceptive or misleading advertising;

C. Conduct the permitted sale in strict conformity with any advertising or holding out incident thereto;

D. Keep available at the place of sale a duplicate copy of the inventory submitted with the application and shall present such duplicate to inspecting officials upon request;

E. Keep any other goods separate and apart from the goods listed in the filed inventory as being objects of sale and shall make such distinction clear to the public by placing tags on all inventoried goods in and about the place of sale apprising the public of the status of all such goods;

F. At the close of business each day the stock inventory shall be revised and items on such list disposed of during such day shall be noted thereon. Suitable books and records as prescribed by the Permit Committee shall be kept by the permittee and shall be available at all times to the License Officer, his or her agents, or representatives, including any police officer assigned to assist in the enforcement of this chapter. (Prior code § 6399.10)

5.28.080 Additional goods prohibited.

No goods, wares or merchandise shall be permitted to be offered for sale at the place of business where such sale is to be conducted other than those items listed in the inventory filed with the application for the permit. (Prior code § 6399.11)

5.28.090 Examination of records.

The License Officer or his or her agent or representative, including any police officer assigned to assist in the enforcement of this chapter, shall at all times have the power to make an examination or investigation of the business and the books, records and accounts, and other pertinent papers of any person theretofore permitted or authorized to conduct a sale regulated by the provisions of this chapter. (Prior code § 6399.12)

5.28.100 Permit suspension.

A. The License Officer or Code Enforcement Officer shall have the power to suspend at any time any permit granted in accordance with the provisions of this chapter whenever any such sale or special sale is being conducted in violation of any of the provisions of this chapter, or in such manner as to deceive or defraud the public, or if:

1. The holder of any such permit has made any material misstatement in the application of such permit.

2. He or she has been guilty of any fraudulent practice in the conduct of the sale authorized by such permit.

3. He or she has failed to include in the inventory required by the provisions of this chapter, the goods, wares, or merchandise required to be contained in such inventory.

4. He or she has added, caused to be added, or permitted to be added to any goods, wares or merchandise not described in the original inventory.

5. He or she has violated any of the provisions of this chapter of the laws pertaining to advertising.

B. A copy of such order of suspension shall be presented by the officer issuing the same to the City Council at its next regular meeting after such issuance, and unless so presented it shall be of no further force and effect thereafter. Provided, however, that the Council may by order adopted at and entered in the minutes of such meeting, continue such temporary suspension in effect pending a full hearing thereon. (Prior code § 6399.13)

Chapter 5.32

DANCES AND DANCE HALLS

Sections:

5.32.010	Definitions.
5.32.020	Permit required.
5.32.030	Private dance.
5.32.040	School dancing.
5.32.050	Church dances.
5.32.060	Permit application.
5.32.070	Suspension of permits.
5.32.080	Special police officers.
5.32.090	Disorderly conduct.
5.32.100	Bringing liquor to dances prohibited.
5.32.110	Possession of liquor at dances prohibited.
5.32.120	Dances—Hours.
5.32.130	Minors prohibited.
5.32.140	Employee dancing prohibited.
5.32.150	Unobstructed passageways.
5.32.160	Cabaret dances.
5.32.170	Cabarets—Clubs prohibited.
5.32.180	Posting of dance regulations.

5.32.010 Definitions.

For the purpose of this chapter certain words and phrases shall be construed as follows, unless it is apparent from the context that a different meaning is intended.

“Cabaret dance” means any dance or dancing held or engaged in at any place or premises licensed by the state to sell, serve or dispense intoxicating liquor for consumption in or at such place or premises.

“Club dance” means any dance held by a dancing club.

“Dance” means a gathering of persons in or upon any premises where dancing is participated in, either as the main purpose for such gathering or as an incident to some other purpose.

“Dancing club” means any club or association of persons which conducts dances other than public dances for its members or bona fide guests more often than once per month, at which a fee is charged, either for admission to such dance or for dancing therein, or at which any collection or donation of money is made or received, or in which the amount of dues to be paid by each member is dependent upon attendance at such dances by such members.

“Public dance hall” means a place where dancing is conducted whether for profit or not for profit, and to which the public is admitted, either with or without

charge, or at which the public is allowed to participate in the dancing, either with or without charge.

“Teenage dance” means a nonprofit public dance or club dance for minors between the ages of thirteen (13) and nineteen (19) years of age to which no person twenty-one (21) years of age or over, or under thirteen (13) years of age, is admitted as a participant. (Prior code §§ 6340—6340.6)

5.32.020 Permit required.

No person shall conduct or assist in conducting any public dance hall, dancing club, club dance, teenage dance, cabaret dance, or any public dance in the city except under and by authority of a written permit issued pursuant to the provisions of Chapter 5.12 of this title; and no person shall participate in any such dance conducted without such a permit. (Prior code § 6341)

5.32.030 Private dance.

No permit shall be required to conduct a private dance, as defined by Section 5.04.010. (Prior code § 6341.1)

5.32.040 School dancing.

No permit shall be required for dancing at any school, elementary or high, as defined by Chapter 17.04 of this code, when such dancing is conducted as part of the curriculum of such school or is conducted at a dance officially sanctioned by such school. A permit shall be required if such dancing be conducted other than at such school. (Amended during 1999 recodification; prior code § 6341.2)

5.32.050 Church dances.

No permit shall be required for dancing at any church, provided that such dance is limited to the church members and their guests, that the dance is conducted entirely within a church building or on church grounds not readily accessible from public property, and that such dance is a church sanctioned or organized regular function of the church. (Prior code § 6341.3)

5.32.060 Permit application.

In addition to all requirements specified in or imposed under Chapter 5.12 of this title, each application for any permit required by this chapter shall set forth the following:

A. The name and residence of the applicant or applicants; if any applicant be a firm or partnership, the names and residences of the members or partners thereof; if any applicant be an association, the names and residences of the officers thereof; if any applicant be a cor-

poration, the names and residences of the officers and directors thereof;

B. The place for which the permit is desired or in or at which any dance or dances is or are to be conducted;

C. The number of dances for which application for a permit is made, the date of the dances to be conducted under such permit, and the hours during which a dance is to be conducted on each such date;

D. The maximum number of persons estimated by applicant to attend each such dance;

E. Whether the application is for a new permit or for the renewal of an existing permit;

F. An accurate description of that portion of the premises upon which dancing is to be conducted and which shall be designated as the dancing area. (Prior code § 6342)

5.32.070 Suspension of permits.

Any permit issued under this chapter may be temporarily suspended by written order signed by the Chief of Police. A copy of such order shall be transmitted by the Chief of Police to the City Council at its next regular meeting after such issuance, and unless so presented it shall be of no further force and effect thereafter; provided, however, that the Council may, by order adopted at and entered in the minutes of such meeting, continue such temporary suspension in effect pending a full hearing thereon. (Prior code § 6344)

5.32.080 Special police officers.

A. Every person conducting a public dance hall, dancing club, club dance, teenage dance, or public dance, other than a cabaret dance, shall pay to the city, in advance, the cost of special officers to be assigned by the Chief of Police to patrol the dance, in accordance with the estimated attendance shown on the permit application, as follows:

Up to and including 100 persons	1 special officer
From 101 to 300 persons	2 special officers
In excess of 300 persons	2 special officer for each additional 100 persons (or fraction thereof) in excess of 300 persons.

B. No person conducting a public dance shall permit more people to attend than the number of persons shown in his or her permit application as estimated attendance.

The Administrative Officer shall determine the cost of such special officers. Such cost shall comprise all cost factors such as wages, retirement, insurance and administrative overhead.

C. Admission by Police Officer. Any police officer of the city on duty, whether in uniform or working in civilian clothes, shall be admitted without charge to any such public dance, club dance or public dance ball at the time for the purpose of inspecting the conduct of those participating in the dancing and to see that the provisions of this chapter are being properly complied with. (Prior code §§ 6345, 6346)

5.32.090 Disorderly conduct.

No person in charge of or assisting in the conduct of any public dance hall, dancing club, club dance, teenage dance, cabaret dance, or public dance shall permit any person to enter into, to be in or to remain in any place where such public dance hall, dancing club, club dance, teenage dance, cabaret dance, or public dance is conducted who is intoxicated, boisterous, or disorderly. No person in an intoxicated condition shall enter, be in or remain in any public dance hall, dancing club, club dance, teenage dance, cabaret dance, or public dance, or in any automobile parking lot used in conjunction therewith. No person shall conduct himself or herself in a boisterous or disorderly manner in or at a public dance hall, dancing club, club dance, teenage dance, cabaret dance or public dance, or in or at any automobile parking lot used in conjunction therewith. (Prior code § 6347)

5.32.100 Bringing liquor to dances prohibited.

No person shall bring to any public dance hall or to any dancing club, club dance, teenage dance, cabaret dance, or any public dance any intoxicating liquor; provided, however, that this section shall not apply to any person, firm or corporation, and to his or its employees acting within the scope of their employment, lawfully engaged in the sale or distribution of intoxicating liquor, from delivering intoxicating liquor to any such place, upon the request or at the direction of the owner or operator thereof. (Prior code § 6347.1)

5.32.110 Possession of liquor at dances prohibited.

No person other than the owner or operator of a dance hall, dancing club, club dance, cabaret dance, or public dance, and his bona fide employees acting in the course of their employment, shall possess any intoxicating liquor at any public dance hall, dancing club, club dance, cabaret dance, or any public dance unless the same has been

lawfully sold, served or dispensed thereat. (Prior code § 6347.2)

5.32.120 Dances—Hours.

No cabaret dance or cabaret dancing shall be held or engaged in between the hours of one-forty-five a.m. and six a.m. of any day. No public dance shall be conducted between the hours of one a.m. and six a.m. This section shall not apply to a teenage dance officially sponsored and conducted by any school, elementary or high, as defined by Chapter 17.04 of this code. (Prior code § 6347.3)

5.32.130 Minors prohibited.

No person shall permit any person under the age of twenty-one (21) years to enter, be in, or remain in any place where a public dance hall, dancing club, club dance, teenage dance, cabaret dance, or public dance is conducted if intoxicating liquor is sold, served, or dispensed in such place, nor shall any person under the age of twenty-one (21) years enter any place enumerated in this section if intoxicating liquor is sold, served, or dispensed in such place. (Prior code § 6347.4)

5.32.140 Employee dancing prohibited.

No employee of any person conducting or in charge of any dance hall, cabaret or public dance, shall engage in dancing with any other person at his or her place of employment. This section shall not apply to dancing clubs, club dances or teenage dances. (Prior code § 6347.5)

5.32.150 Unobstructed passageways.

A three (3) foot unobstructed aisle or passageway to an exit from the building shall at all times be provided and maintained from every bar, booth and table intended for the use of or used by patrons of the premises. No person in charge of or assisting in the conduct of a public dance hall, dancing club, club dance, teenage dance, cabaret dance, or public dance shall permit any person to stand, sit, be or remain in or otherwise obstruct any aisle, corridor or passageway leading to any exit or required to be provided or maintained by any applicable statute or regulation. After having been requested not so to do by the person in charge of the premises or by any person engaged in the enforcement of any of the provisions of this chapter, no person shall stand, sit, be or remain in or otherwise obstruct any aisle, corridor or passageway leading to any exit or required to be provided or maintained by any applicable statute or regulation. (Prior code § 6347.6.1)

5.32.160 Cabaret dances.

No cabaret dance or cabaret dancing shall be held or engaged in unless all of the following conditions are at all times complied with:

A. The dance floor shall be a minimum size of two hundred (200) square feet.

B. The dance floor area specified in each permit issued under this chapter shall be plainly marked and designated as a dancing area. No dancing shall be permitted in the premises except upon the dancing area thus marked and designated.

C. During all hours during which dancing is permitted by the permit issued hereunder for the premises, no portion of the dancing area shall be used for any purpose other than dancing and entertainment.

D. No portion of any dance floor shall be located within ten (10) feet of any bar or other facility for the dispensing of intoxicating beverages.

E. The maximum number of persons, other than employees employed to render help or service on the premises, shall not at any one time exceed the number of permanently fixed seats provided for the patrons of such establishment in addition to the number of persons equal to the quotient of the number of square feet of the remaining area of useable floor space of the premises divided by fifteen (15). In computing such useable floor area, the following portions of the premises shall be excluded:

1. All portions of the premises designed or intended primarily for the use of or in fact principally used by persons employed on the premises;

2. All corridors, passageways, exits, and aisles leading to exits;

3. All dance floor areas; provided, however, that floor areas may be included during such times that dance floor areas may lawfully be used for purposes other than dancing or entertainment.

F. The person in charge of the premises shall provide and pay for that number of special officers required by the Chief of Police and determined by the Permit Committee to be necessary, based on the past conduct of cabaret dances at the premises. (Prior code § 6347.7)

5.32.170 Cabarets—Clubs prohibited.

No premises at which cabaret dances or cabaret dancing are conducted or is engaged in shall be used or operated as a private club between the hours of two a.m. and six a.m. of any day. (Prior code § 6347.8)

5.32.180 Posting of dance regulations.

A copy of Sections 5.32.090 through 5.32.140, togeth-

er with a copy of all additional regulations or conditions imposed by the dance permit, shall be posted at each of the following locations of the premises for which the dance permit was issued:

A. At the inside of and within three (3) feet of each entrance and exit of the room or hall where a public dance hall, dancing club, club dance, teenage dance, cabaret dance, or public dance is operated or held;

B. On the outside of and within three (3) feet of each entrance and exit of the room or hall where a public dance hall, dancing club, club dance, teenage dance, cabaret dance, or public dance is operated or held;

C. In at least two (2) conspicuous places on each public or private parking lot used in connection with such public dance hall, dancing club, club dance, teenage dance, cabaret dance, or public dance. (Prior code § 6349)

Chapter 5.36**FIREARMS SALES****Sections:**

- 5.36.010** **License for sale of firearms.**
5.36.020 **Sale of firearms.**

Gross Receipts Per Annum

- Up to \$100,000
 \$100,000 to \$1,000,000
 \$1,000,000 and above

Tax Rate

- \$0.50 per \$1,000
 \$0.55 per \$1,000 over \$100,000
 \$0.15 per \$1,000 over \$1,000,000

5.36.010 License for sale of firearms.

(Prior code § 6120.2)

When a business permit or license is to be issued to a business that is engaged in, or intends to engage in, the sale, resale, transfer, advertising, offering, or exposing for sale or transfer, of any pistol, revolver or other firearm capable of being concealed upon the person, said business permit or license shall be in the form prescribed by the Attorney General of the state pursuant to California Penal Code Section 12071. Said business permit or license shall be effective for not more than one year from the date of issue and be subject to the following conditions, for breach of any of which the business permit or license shall be subject to forfeiture:

- A. The business shall be carried on only in the building designated in the business permit or license;
- B. The business permit or license, or a copy thereof, certified by the city, shall be displayed on the premises where it can easily be seen;
- C. No pistol or revolver shall be delivered:
 - 1. Within fifteen (15) days of the application for the purchase and when delivered shall be unloaded and securely wrapped; nor
 - 2. Be delivered unless the purchaser either is personally known to the seller or shall present clear evidence of his identity.
- D. No pistol or revolver, or imitation thereof, or placard advertising the sale or other transfer thereof, shall be displayed in any part of said premises where it can be readily seen from the outside.

The aforesaid conditions shall be printed on or securely affixed to said business permit or license in such a manner that said conditions are plainly visible when said business permit or license is displayed pursuant to subsection B of this section. (Prior code § 6120.1)

5.36.020 Sale of firearms.

Each business receiving a business permit or license pursuant to Section 5.36.010 of this chapter shall pay a tax of one hundred dollars (\$100.00) per year plus an amount based upon the annual gross receipts of such business according to the following schedule:

Chapter 5.40**FUNDRAISING EVENTS****Sections:**

**5.40.010 Fundraising events—
Exemption—Nonprofit
organizations.**

**5.40.010 Fundraising events—Exemption—
Nonprofit organizations.**

Notwithstanding any other provision of this code to the contrary, nonprofit organizations which conduct fundraising events for periods not in excess of four (4) consecutive calendar days, not more often than once in any twelve (12) consecutive-month period, shall not be deemed to be required to obtain a business license or pay a business license tax for any temporary activity related to such an event. For the purpose of this section, "non-profit organization" means and includes any organization including unincorporated associations, which is located within the city or which provides a service within the city and has as its purpose a charitable, educational or religious purpose. "Event" as referred to in this section means any fundraising activity engaged in by a nonprofit organization, the proceeds of which are devoted to the purposes of such nonprofit organization. (Ord. 2490 § 1, 1998: prior code § 6920)

Chapter 5.44**GARAGE SALES****Sections:**

5.44.010	Definitions.
5.44.020	Restriction.
5.44.030	Limited.
5.44.040	Display limited.
5.44.050	Automobiles exempted.
5.44.060	Times for sales.
5.44.070	Frequency.
5.44.080	Signs.
5.44.090	Exceptions.

5.44.010 Definitions.

"Garage sales" as used in this chapter means the sale of personal property in, at or upon any residentially zoned property, or upon any commercially zoned property independent of any business licensed under Chapter 5.08 of this title to conduct retail sales upon such property. Garage sales shall include but not be limited to all such sales, and shall include the advertising of the holding of any such sale, or the offering to make any such sale, whether made under any other name such as yard sale, front yard sale, back yard sale, home sale, patio sale, rummage sale or any similar designation. (Prior code § 6399.51)

5.44.020 Restriction.

Except as otherwise provided in this chapter, no person shall display for sale, upon any residentially zoned property or upon any commercially zoned property except in connection with a business licensed to conduct retail sales under Chapter 5.08 of this title, nor advertise the availability for purchase at any such location, nor sell or offer to sell at any such location, any personal property. (Prior code § 6399.51.1)

5.44.030 Limited.

No person shall display, sell or offer to sell at any garage sale any personal property other than personal property owned by the occupant of the premises upon which such garage sale is conducted and which personal property was acquired for and used by such occupant or members of his or her family on or in connection with the premises upon which such garage sale is conducted by or on behalf of any person exempted from license fees by 5.04.080C of this title. (Prior code § 6399.51.2)

5.44.040 Display limited.

No personal property sold or offered for sale at any

garage sale shall be placed, kept or displayed on or in any public right-of-way. (Prior code § 6399.51.3)

5.44.050 Automobiles exempted.

Notwithstanding Section 5.44.040, not more than one motor vehicle offered for sale may be kept or displayed on any portion of a permanently constructed driveway on the property owned or occupied by the owner of such vehicle. (Prior code § 6399.51.3.1)

5.44.060 Times for sales.

Garage sales may be conducted only on the first weekend in the months of March, June, September and December of each year commencing from and after January 1, 1998. "Weekend" as used in this chapter means Saturdays and Sundays from eight a.m. to five p.m. inclusive. The City Administrator shall have the authority to select an alternate weekend if a designated weekend is not available for garage sales due to inclement weather or an emergency. (Ord. 2465 § 1, 1997: prior code § 6399.51.4)

5.44.070 Frequency.

No person shall conduct more than two (2) garage sales during any consecutive twelve (12) month period. (Ord. 2465 § 2, 1997: prior code § 6399.51.5)

5.44.080 Signs.

A. Not more than two (2) signs advertising a garage sale may be maintained anywhere upon residentially zoned property. No sign shall contain more than six (6) square feet of area on any one side. No sign shall be erected or maintained upon residentially zoned property for a period of more than one (1) day immediately preceding the lawful commencement of such garage sale. Each sign shall be removed on or at the close of the last day on which the garage sale may lawfully be conducted pursuant to this chapter.

B. Any person violating subsection A of this section shall be charged a fee of five dollars (\$5.00) for each such unlawful sign. No permit for a subsequent garage sale shall be issued prior to payment of all such fees due and owing. (Prior code § 6399.51.6)

5.44.090 Exceptions.

The provisions of this chapter shall not apply to any of the following:

A. To the sale of personal property made pursuant to a court order or judicial process; and

B. To a garage sale conducted by a nonprofit organization which is exempt from the payment of business

license taxes pursuant to this code. (Ord. 2465 § 3, 1997:
prior code § 6399.51.7)

Chapter 5.48

HOTEL AND MOTEL REGULATIONS**Sections:**

- 5.48.010 Public lodgings—Immoral acts.**
- 5.48.020 Public lodgings—Registration required.**
- 5.48.030 Alterations, inspection of register.**
- 5.48.040 Registering under fictitious name prohibited.**
- 5.48.050 Repeated use prohibited.**
- 5.48.060 Hourly rates prohibited.**
- 5.48.070 Grounds for modification or revocation of motel regulatory permit.**
- 5.48.080 Limitation on continuous and cumulative occupancy of hotels, motels, and motor hotels, lodging house or trailer court.**
- 5.48.090 Posting.**
- 5.48.100 Personal property.**

5.48.010 Public lodgings—Immoral acts.

No person conducting any motel, as defined in Chapter 17.04 of this code, or other lodging house, trailer court or hotel in the city, and no person in actual charge, management or control of any motel, lodging house, trailer court, or hotel therein, shall suffer or permit any portion thereof to be used as a house of ill fame or place of assignation for the purpose of prostitution. (Amended during 1999 recodification; prior code § 4222)

5.48.020 Public lodgings—Registration required.

Every operator conducting any hotel, motel, motor hotel, lodging house or trailer court in the city shall maintain daily written records reflecting the renting, letting, or other provision of any of its rooms including, but not limited to, check-in and check-out dates of each person who rents, lets, or is otherwise provided a room. The operator shall obtain the name of all adult individuals occupying such room. Unless payment for the room is made by check or credit card, such records shall also include the name and home or business address and telephone number of each such person. The required records shall be maintained for no less than three (3) years, or for such longer period as may be prescribed by law, and shall be available for review by city representatives during normal business hours. (Ord. 2644 § 1 (part), 2005)

5.48.030 Alterations, inspection of register.

Erasures or alterations on the register required by Section 5.48.020 shall not be permitted or made for any purpose, and it is unlawful to erase a name or names or address or addresses or to permit such an erasure. Such register shall be kept in a conspicuous place, and shall be at all times open to the inspection of any guest of such house or motel and of any executive or police officer of the city. (Prior code § 4222.2)

5.48.040 Registering under fictitious name prohibited.

No person shall write or cause to be written, or knowingly permit to be written in any register in any motel, lodging house, trailer court, or hotel, any other or different name or designation than the true name of the person registering therein, or the name by which such person is generally known. (Prior code § 4222.3)

5.48.050 Repeated use prohibited.

No person shall let any room for sleeping or lodging purposes in any motel, lodging house, trailer court or hotel in the city more than once between six a.m. and five fifty-nine p.m. and no more than once between six p.m. and five fifty-nine a.m. of the following morning. (Prior code § 4222.4)

5.48.060 Hourly rates prohibited.

No person conducting any motel or other public lodging or agent thereof shall let any room for hourly or other short-time rates or in any way advertise that any room is available at hourly or other short-time rates. (Prior code § 4222.5)

5.48.070 Grounds for modification or revocation of motel regulatory permit.

In addition to any other remedies, actions or penalties as authorized by applicable law in connection with a violation of the provisions of Sections 5.48.010 through 5.48.060, inclusive by any person operating a motel, lodging house, trailer court, or hotel in the city, the owner/operator of such motel or other place of transient accommodations shall also be subject to proceedings for the modification or revocation of his/her motel regulatory permit as issued under Section 5.96.050. (Prior code § 4222.6)

**5.48.080 Limitation on continuous and
cumulative occupancy of hotels,
motels, and motor hotels, lodging
house or trailer court.**

It is unlawful for any hotel, motel, motor hotel, lodging house or trailer court to rent or let, or otherwise provide or occupy, any room therein to any person, firm, partnership, corporation, association or other business entity for thirty (30) or more consecutive days, or for more than sixty (60) total days in any one hundred eighty (180) consecutive day period, unless such hotel, motel, or motor hotel obtains a conditional use permit pursuant to Chapter 17.24 of this code. It is the intent of this section that if a room is rented, let or otherwise provided to any person for either of the maximum time periods allowed by this section, then such room may not again be rented, let or otherwise provided to that same party or to any individual, firm, or entity that was a member of such party. (Ord. 2644 § 1 (part), 2005)

5.48.090 Posting.

Except as otherwise provided by law, each hotel, motel, motor hotel, lodging house or trailer court shall post a legible copy of the text of Section 5.48.080 of this chapter in an open and conspicuous place within the public lobby area, and in an open and conspicuous place where other postings are required by law, in each room available for rent. (Ord. 2644 § 1 (part), 2005)

5.48.100 Personal property.

Any property left in a room by a person or party that has checked out shall be removed by the operator of the hotel, motel, or motor hotel and shall be stored or otherwise disposed of in accordance with applicable laws. (Ord. 2644 § 1 (part), 2005)

Chapter 5.52**JUNK AND SALVAGE DEALERS****Sections:**

5.52.010	Definitions.
5.52.020	Permit required.
5.52.030	Enclosure.
5.52.040	Rubbish.
5.52.050	Fire extinguishers.

5.52.010 Definitions.

For the purpose of this chapter the following words and phrases shall be construed as herein set forth unless it is apparent from the context that a different meaning is intended.

"Junk and salvage dealer" means any person engaged in the business of collecting, salvaging, recycling, storing, selling or exchanging junk or scrap of any kind except that the term shall not apply to any person defined as an automobile junk dealer in Section 5.20.010 of this title. (Prior code §§ 6337, 6337.1)

5.52.020 Permit required.

No person shall conduct or engage in any business or occupation described in this chapter without having first obtained a permit pursuant to Chapter 5.12 of this title. (Amended during 1999 recodification; prior code § 6338)

5.52.030 Enclosure.

If any business referred to in this chapter shall be located in whole or in part in any yard, enclosure, lot, or open area, such premises shall be completely surrounded and enclosed by a wall, fence, or barrier, constructed of wood or other solid, impervious material, or of galvanized steel wire, extending above the ground for at least six (6) feet. Any and all necessary openings in said fence, wall or barrier, shall be provided with suitable gates or doors constructed of the same material and in the same manner of construction as is authorized by this section as suitable and sufficient for a fence, wall or barrier under this section. Outside storage areas shall also conform to the requirements of Title 17, Zoning. (Amended during 1999 recodification; prior code § 6338.1)

5.52.040 Rubbish.

If any business referred to in this chapter shall be located in whole or in part in a yard, enclosure, lot or open area, such premises and area shall be kept clean and free from rubbish at all times and all material kept, stored or accumulated in said place shall be neatly and carefully piled or deposited in containers. (Prior code § 6338.2)

5.52.050 Fire extinguishers.

No person shall permit any such business referred to in this chapter to be carried on unless there shall be kept on said premises in good working order, at all times, fire extinguishers in the number and of the style designated by the Fire Chief, as reasonably necessary to minimize and eliminate fire hazard on said premises. (Prior code § 6338.3)

Chapter 5.56

MESSAGE PARLORS AND MESSAGE TECHNICIANS

Sections:

- 5.56.010 Findings and purpose.
- 5.56.020 Definitions.
- 5.56.030 Operator's permit and/or manager's permit required, as applicable.
- 5.56.040 Application for operator's permit or manager's permit.
- 5.56.050 Issuance or denial of operator's permit and/or a manager's permit after submission of a completed supplemental application.
- 5.56.060 Massage technician permit.
- 5.56.070 Application for massage technician permit.
- 5.56.080 Issuance or denial of massage technician's permit following submission of a completed application.
- 5.56.090 Off-premises massage technician permit.
- 5.56.100 Requirements of operation of massage establishment.
- 5.56.110 Changes of business.
- 5.56.120 Fees.
- 5.56.130 Exemption—Existing permittees.
- 5.56.140 Transfer and duration of permits.
- 5.56.150 Suspension, revocation, denial and appeal.
- 5.56.160 Violation—Penalty.

5.56.010 Findings and purpose.

The City Council finds and declares as follows:

A. The permit requirements and restrictions imposed by this chapter are reasonably necessary to protect the health, safety and welfare of the citizens of the city.

B. The city is authorized by Government Code Section 51031 to regulate massage establishments and massage occupation performance standards by imposing reasonable standards relative to the operation of the massage establishment and the qualifications and experience of massage operations and massage technicians to provide such services to the public.

C. There is a significant risk of injury to massage clients arising from unregulated business operation of

massage establishments and from treatment administered by improperly trained and/or uneducated massage therapists, and this chapter provides reasonable safeguards against injury to massage clients.

D. Opportunities for the commission of acts of prostitution and other unlawful sexual activity to occur in massage establishments to a generally more common extent than is the case in other commercial establishments. Courts have long recognized massage as a pervasively regulated activity and that massage establishments are often brothels in disguise. The establishment of reasonable standards for issuance of permits and restrictions on operations would serve to reduce the risk of illegal activity.

E. The restrictions and requirements contained in this chapter reduce the burdens imposed on the Police Department by the operation of such business.

F. The regulations and restrictions contained in this chapter tend to promote the legitimate and lawful operation of massage establishments and discourage acts of prostitution which adversely affect the business goodwill of massage establishments and the means utilized in this chapter to promote such a policy bear a reasonable and rational relationship to the goals sought to be achieved. (Prior code § 4224.1)

5.56.020 Definitions.

Unless the particular provision of the context otherwise requires, the definitions of the words and phrases contained in this section shall govern the construction, meaning, and application of words and terms used in of this chapter:

"Chief of Police" means the Chief of Police of the city of El Monte, or his/her designated representative.

"City Administrator" means the City Administrator of the city of El Monte, or his/her designated representative.

"City Council" means the City Council of the city of El Monte.

"Conviction" and/or "convicted" means a plea or verdict of guilty or a conviction following a plea of nolo contendere.

"Crime of moral turpitude" means a crime which infringes upon the moral sentiment of the community, as distinguished from statutory mala prohibita (acts prohibited by a law).

"Customer area" means the areas of a massage establishment (or other business area) open to the customers of the establishment.

"Employee" means and includes independent contractors.

"Health department" means the health care agency of the county of Los Angeles the services of which are performed pursuant to contract with the city of El Monte.

"Manager" means the person(s) designated by the operator of the massage establishment to act as the representative and agent of the operator in managing day-to-day operations with the same liabilities and responsibilities. Evidence of management includes, but is not limited to, evidence that the individual has power to direct or hire and dismiss employees, control hours of operation, create policy or rules or purchase supplies. A manager may also be the owner of the massage establishment in which he/she discharges the responsibilities of a manager. A manager shall satisfy the minimum standards and qualifications of Section 5.56.040 and shall obtain an operator's permit to qualify as a manager.

"Massage" means any method of treating the external parts of the human body for remedial, hygienic or any other reason or purpose, whether by means of pressure on, friction against or stroking, kneading, tapping, pounding, vibrating, rubbing or other manner of touching external parts of the human body with the hands, or with the aid of any mechanical or electrical apparatus or appliance with or without supplementary aids such as rubbing alcohol, liniment, antiseptic, oil, powder, cream, ointment or other similar preparations commonly used in this practice.

"Massage establishment/massage parlor" means any land use or place of business, except as provided in the next sentence of this definition, in which any person, firm, association, partnership, corporation, or combination of individuals engages in, conducts, carries on or permits in exchange for money or any other consideration, the treatment or manipulation of the human body where one administers to another person a massage bath or health treatment, including acupressure, alcohol rub, fomentation, electrical or magnetic treatment, involving massages or baths as the major function. The words "massage establishment" and/or "massage parlor" do not include or refer to land use or place of business in which treatment or manipulation of the human body described in the preceding sentence is administered by a medical practitioner, chiropractor, acupuncturist, physical therapist or similar professional person who holds a current and valid license issued by the state to perform such therapeutic professional medical services.

"Massage technician" means any person, for compensation of any kind, who gives or administers to another person a massage, acupressure treatment or any treatment which may be offered within a massage establishment.

"Operator" means all persons who have an ownership interest in a massage establishment.

"Operator's permit" means the permit required pursuant to the provisions of this chapter to operate or manage a massage establishment.

"Ordinance examination" means the written examination administered by the city, which is based on the provisions of this chapter and designed to ensure the requirements of this chapter are adhered.

"Owner" means the individual(s) whose name appears on the business license issued by the city for the massage establishment.

"Person" means any individual, or corporation, partnership, association or other group or combination of individuals acting as an entity.

"Police Department" means the Police Department of the city.

"Qualified massage association" means any educational or institutional association of individuals or a bonafide trade or business group of persons which meet all the following criteria:

1. Has established as a minimum education requirement for membership the completion by a current member of at least five hundred (500) hours of training from a recognized school of massage;
2. Offers and requires participation and completion by members of a minimum number of hours of specified continuing education as a condition of continuing membership;
3. Is open to members of the general public meeting the requirements for membership on a national basis;
4. Has minimum educational requirements or equivalents, including at least five hundred (500) classroom hours or its equivalent in anatomy, physiology, contra indications, hygiene, sanitation, massage therapy and practice, ethics of massage practice, first aid and CPR. Equivalency must be verified by written and practical testing by association.
5. The association has established rules of ethics and has enforcement procedures for the suspension or revocation of membership for violation of such rules;
6. The association requires participation and completion by members of a minimum number of hours of specified continuing education as a condition of continued membership.

"Qualifying exam" means the National Certification Examination administered by the National Certification Board for Therapeutic Massage and Bodywork which has been recognized by objective standards to fairly evaluate professional levels of skill, safety and competence as determined by a qualified massage association.

"Recognized school of massage" means any school or institution of learning which teaches, through state certified instructors, the theory, ethics, practice, profession,

or work of massage, which school or institution complies with the California Education Code Sections 94310 or 94311, and which requires a resident course of study before the student shall be furnished with a diploma or certificate of graduation. Schools offering a correspondence course not requiring actual attendance shall not be deemed to be a recognized school of massage.

"Supplemental application" means the written form provided by the Police Department which must be filed by the operator, manager and massage technician of a massage establishment, subsequent to the successful submission of required documentation and passage of the required examination, containing all relevant information which will assist the Chief of Police in the determination of whether to grant the issuance of an operator, manager and/or massage technician permit.

"Written application" means the initial application, which must be filed by the operator, manager and massage technician of a massage establishment, which contains information to enable the police department to determine that a massage establishment is attempting to commence operation in the city. (Prior code § 4224.2)

5.56.030 Operator's permit and/or manager's permit required, as applicable.

No person shall operate or manage a massage establishment within the city without first obtaining: (1) an operator's permit or manager's permit, as applicable, pursuant to this chapter; (2) securing the necessary business license as required by Title 9 of this code in the case of an operator; (3) complying with Chapter 5.12 of this title in the case of an operator; and (4) complying with the zoning regulations in the case of an operator. The education and training requirements contained in this chapter shall apply to both operators and managers of massage establishments as well as to massage technicians. (Amended during 1999 recodification; prior code § 4224.3)

5.56.040 Application for operator's permit or manager's permit.

A. Any person who seeks to obtain an operator's permit or manager's permit shall file a written application stating the intention of such person to commence operation (or begin work, as applicable) of a massage establishment with the Police Department on a form provided by the Police Department. The written application shall provide the Police Department with the following written information:

1. Name of applicant;
2. Name of massage operation;

3. Hours of operation;
4. Number of employees; and
5. Intentions of owner.

B. The written application must contain or be accompanied by the following written information:

1. Each applicant must provide proof of completion of five hundred (500) hours of instruction in a massage specialty from a recognized school of massage. If the applicant is a corporation or partnership who will actively participate in the management of the massage establishment. Each applicant must furnish an original or certified copy of a diploma or certificate and certified transcript of graduation from an approved or recognized school of massage, wherein the method, practice, profession, theory, ethics, anatomical and physiological knowledge and practice of massage is taught by state-certified instructors. The applicant must also supply a course description, and outline of material covered and a letter to the city from an authorized officer of the recognized school verifying completion. The chief of police may consider an applicant's study of massage completed outside the state if proof of completion from a formalized course of study in massage practice, anatomy and physiology is provided within the application. Proof of completion shall include dates of study and the name, address and phone number of the school attended. Any outside courses of study submitted for approval shall meet the state of California's Office of Post Secondary Education minimum requirements.

2. Each applicant must provide proof of passage of the qualifying exam, independently prepared and administered national certification exam, through the National Certification Board for therapeutic massage and bodywork which has been recognized by objective standards to fairly evaluate the professional levels of skill, safety and competence, as determined by a qualified massage association. Once the applicant is nationally certified in therapeutic massage and bodywork, recertification must take place in accordance with the requirements of the National Certification Board.

3. Each applicant must provide proof of membership in a qualified massage association.

4. No duty to accept the written applications exists on the part of the city where the written application fails to contain the operator's or manager's national certification of therapeutic massage and body work.

C. The written application be signed by the operator of the proposed massage establishment, if a sole proprietorship; or at least one general partner, if the operator is a partnership; or at least one corporate officer or one director, if the operator is a corporation; and one participant, if the operator is a joint venture and shall be ac-

companied by the appropriate filing fee payable to the city. Upon verification that the initial application is complete, the operator or manager must take the ordinance examination, which requires the following:

1. Each operator and the operator's designated manager(s) must pass on an annual basis a written ordinance examination dealing with the requirements of this chapter to insure continued compliance of the duties and obligation assumed by the holder of operator's permit. A minimum score of seventy (70) percent correct answers is required for the annual written ordinance examination. The written ordinance examination will be conducted in the English language.

2. An applicant who fails to pass the written ordinance examination shall not be eligible to take another written ordinance examination until sixty (60) days after the previous written ordinance examination. An applicant who fails to pass upon a second attempt, shall not be again eligible until six (6) months thereafter. An additional processing fee may be required to be filed with the Chief of Police prior to each written ordinance examination.

3. All operators or managers having any involvement in the massage establishment must successfully pass the written ordinance examination and provide the city with the schedule of hours and days of control of the operator or manager of the massage establishments.

D. An applicant who has successfully passed the written ordinance examination shall provide the police department within thirty (30) days of passage with a written supplemental application on a form provided by the Police Department. The Police Department shall conduct an investigation of the information included in the supplemental application. The Police Department shall not accept any supplemental application for processing unless it is completed. The Police Department shall confirm within ten (10) days of receipt of an executed supplemental application whether any additional information may be required. The Police Department shall begin to process a completed supplemental application as promptly as feasible and shall grant or deny the issuance of an operator's permit within the period of time authorized in Section 5.56.050. The submission of a supplemental application for the issuance of an operator's permit has been granted by the city. The supplemental application shall contain or be accompanied by the following written information:

1. In the case of a supplemental application for an operator's permit: the type of ownership of the business, i.e., whether by individual, partnership, corporation or likewise. If the applicant is a corporation, the name of the corporation shall be set forth exactly as shown in its

articles of incorporation or charter together with the state and date of incorporation and the names and residence addresses of each of its current officers and directors, and of each stockholder holding more than five (5) percent of the stock of that corporation. If the applicant is a partnership, the background application shall set forth the name and residence of each of the partners, including limited partners. If it is a limited partnership, it shall furnish a copy of its certificate of limited partnership filed with the Secretary of State. If one or more of the partners is a corporation, the provision of this subsection pertaining to corporations shall apply. The applicant corporation or partnership shall designate one of its officer or general partners to act as its responsible operating officer for the massage establishment to be operated in El Monte. The person so designated shall complete and sign all supplemental application forms required for an individual applicant under this chapter, but only one application fee shall be charged; or

2. In the case of a supplemental application for a manager's permit: the name of the massage and his/her residential address, driver's license number, social security number and the name of the operator of the massage establishment;

3. The precise name under which the massage establishment is conducted;

4. The complete address and all telephone numbers of the massage establishment;

5. In the case of a supplemental application for an operator's permit: complete list of the names and residence addresses of all proposed massage technicians and employees who will work in the massage establishment and the name and residence addresses of the manager or managing employee proposed to be principally in charge of the operation of the massage establishment;

6. A description of any other business operated on the same premises, or within the city or the state which is owned or operated by the applicant;

7. In the case of either an application for an operator's permit or a manager's permit: the following personal information concerning the applicant:

- a. Full complete name and all aliases used by the applicant,

- b. Current address and all previous addresses for eight (8) years immediately preceding the present address of the applicant,

- c. Acceptable proof that the applicant is at least eighteen (18) years of age,

- d. Height, weight, color of hair, eyes and sex,

- e. Two (2) front faced portrait photographs at least two (2) inches by two (2) inches in size,

f. The applicant's complete business, occupation and employment history for eight (8) years preceding the date of application, including, but not limited to, the massage or similar business history and experience of the applicant,

g. The complete permit history of the applicant; whether such person has ever had any permit or license issued by any agency, board, city, county, territory or state; the date of issuance of such a permit or license, whether the permit or license was denied, revoked or suspended; or if a vocational or professional license or permit was denied, revoked or suspended; and the reason therefore,

h. All criminal convictions, including pleas of nolo contendere, within the last ten (10) years including those dismissed or expunged pursuant to Penal Code Section 1203.4, but excluding minor traffic violations, and the date and place of each such conviction and reason therefor,

i. A complete set of fingerprints taken by the Police Department;

8. The name and address of the owner and lessor of the real property upon or in which the business is to be conducted. In the event the applicant is not the legal owner of the property, the supplemental application must be accompanied by a copy of the lease and a notarized acknowledgment from the owner of the property that a massage establishment will be located on his/her property;

9. Authorization for the city, its agents and employees to seek verification of the information contained in the supplemental application;

10. Such other identification and information as the Chief of Police may require in order to verify the accuracy of the matters specified in the supplemental application;

11. A statement in writing, and dated, by the applicant that he or she certifies under penalty of perjury that all information contained in the supplemental application is true and correct.

E. A permit shall be approved unless the result of the investigation of the matter by the Police Department indicates that good cause exists for the denial of the issuance of an operator's permit or a manager's permit (as applicable). Each permit as approved shall be issued, subject to compliance with the conditions set forth in this section. (Prior code § 4224.4)

5.56.050

Issuance or denial of operator's permit and/or a manager's permit after submission of a completed supplemental application.

A. Upon receipt of a written supplemental application for an operators permit or a manager's permit (as applicable), the Chief of Police shall conduct an investigation in such a manner as deemed appropriate in order ascertain whether a permit should be issued as requested. The Chief of Police shall, within sixty (60) days of receipt of a supplemental application, approve, conditionally approve or deny the application. The sixty (60) day period may be extended for up to thirty (30) additional days, if necessary to complete the investigation. The Chief of Police shall issue such permit as requested, unless he/she makes any of the following findings:

1. The applicant, or any person directly engaged or employed in the massage establishment, has within eight (8) years preceding the date of the application has been:

a. Convicted of a violation of Penal Code Sections 266h, 266i, 314, 315, 316, or 318 or Section 647(a) or Section 647(b) or any other provision of law pursuant to which a person is required to register under the provisions of Penal Code Section 290, or when the prosecution accepted a plea of guilty or nolo contendere to a charge of a violation of California Penal Code Section 415 or any lesser included or lesser related offense, in satisfaction of or as a substitute for, any of the previously listed crimes;

b. Convicted of a violation of Health and Safety Code Section 11550 or any offense involving the illegal sale, distribution or possession of a controlled substance specified in Health and Safety Sections 11054, 11055, 11056, 11057 or 11058;

c. Convicted of any offense in any other state which is the equivalent of any of the above-mentioned offenses;

d. Engaged in other conduct which would constitute grounds for suspension or revocation of a permit under this chapter;

e. Served with or is a part bound by a permanent injunction against the conducting or maintaining of a nuisance pursuant to Penal Code Sections 11225 through 11235, or any similar provisions of law in a jurisdiction outside the state.

f. Engaged in conduct which would constitute an offense as described in subsection (A)(1)(a) of this section, within eight (8) years immediately prior to the filing of any application;

g. Committed an act in another jurisdiction, which if committed in this state would have been a violation of law or, which, if done by a permittee under this chapter,

would be grounds for denial, suspension or revocation of the permit;

h. Convicted of an act involving dishonesty, fraud, deceit or moral turpitude or an act of violence, which act or acts are related to the qualifications, functions or duties of the operator; or

i. The applicant has had a massage operator or massage technician permit or other similar license or permit denied or revoked for cause by a licensing authority or by any city, county, or state within eight (8) years prior to the date of application; or

2. The applicant has made a false, misleading or fraudulent statement or omission of fact to the city in either the initial permit application process or in the supplemental application process; or

3. The supplemental application does not contain all of the information required by EMMC Section 5.56.040; or

4. The massage establishment at which the applicant shall be authorized to be the operator and/or manager (as applicable) does not comply with all other applicable laws, including, but not limited to, health, zoning, fire and safety requirements and standards; or

5. The applicant has not satisfied the requirements of this chapter in the time specified; or

6. If the supplemental application is denied for failure to comply with subsection (A)(2) or (3) of this section, the applicants may not reapply for a period of six (6) months from the date supplemental application was denied.

B. The operator, or the manager in the operator's absence, shall be responsible for ensuring compliance with this chapter and any other conditions specified by the Chief of Police at the time of issuance of the operator's permit or manager's permit as applicable:

1. No massage technician shall massage the genital, buttock, or anal areas of any patron or the breasts of any female patron, or shall any operator or manager allow or permit such massage. No massage technician shall be present in any room with a patron person unless the patron's genitals, buttocks, anus, or, in the case of female, her breast(s), are fully covered.

2. No person granted a permit pursuant to this chapter shall use any name or conduct business under any designation not specified in his or her permit.

3. Each massage establishment shall have a manager on the premises during business hours. The operator shall file a statement with the Chief of Police designating the person or persons with power to act as a manager. All operators and/or managers must be able to communicate effectively with City regulatory officials.

4. No massage establishment may be open for business unless the operator or the manager is present at all times when the massage establishment is open.

5. The operator and each manager shall ensure that a current and valid massage technician permit for each on-duty massage technician is displayed in a conspicuously public place and that each massage technician is wearing the identification required by Section 5.56.080(B)(3) at all times.

6. No operator or manager shall employ any person as a massage technician who does not have a valid and current massage technician permit issued pursuant to this chapter. Every operator or manager shall report to the Chief of Police any change of employees, whether by new or renewed employment, discharge or termination, on the form and in the manner required by the Chief of Police. The report shall contain the name of the employee and the date of hire or termination. The report shall be made within five (5) days of hire or termination. The operator shall deliver the permit and photo identification card of any massage technician no longer employed by the operator to the Chief of Police.

7. Each massage technician and all other persons employed in the massage establishment shall be fully clothed at all times. Clothing worn by each employee shall be of a fully opaque, nontransparent material and provide complete covering from a point which is not less than mid-thigh to a point which is not more than three (3) inches below the collar bone.

8. Each operator shall provide the Chief of Police with evidence of the insurance required by EMMC Section 5.56.100 within forty-five (45) days of the date of issuance of the permit.

9. Each operator permit shall post with the City Clerk a surety in the principal sum amount of one thousand dollars (\$1,000.00) either in case or executed as surety by a good and sufficient corporate surety authorized to do a surety business in the state and as principal by the operator. The form of the bond shall have been approved by the City Attorney and shall provide that should the permit held by the operator be subsequently suspended or revoked, the city shall be reimbursed from said bond for the cost incurred by the city of any investigation or other proceeding related to said suspension or revocation.

10. The operator for each manager shall comply with all provisions of this chapter and any other applicable provisions of the El Monte Municipal Code. (Prior code § 4224.5)

5.56.060 Massage technician permit.

No person shall perform or administer a massage, or

advertise to provide massage services in the city, unless such person has in effect a current and valid massage technician permit which has been issued pursuant to Sections 5.56.070 and 5.56.080 of this chapter. A massage technician shall also comply with the requirements of Sections 5.56.070 and 5.56.080. (Prior code § 4224.6)

5.56.070 Application for massage technician permit.

A. Any person who seeks to obtain a massage technician permit shall file a written application stating the intent of such person to commence operation (or begin work, as applicable) as a massage technician and the location of the massage establishment where the massage technician will conduct business with the Police Department on a form provided by the Police Department. The written application shall provide the Police Department with the follow written information:

1. Name of applicant;
2. Name of massage establishment; and
3. Days and hours of employment.

B. The written application must contain or be accompanied by the following written information:

1. Each applicant must provide proof of completion of five hundred (500) hours of instruction in a massage specialty (therapeutic approach) from a recognized school of massage taught by state-certified instructors; each applicant must furnish an original or certified copy of a diploma or certificate and certified transcript of graduation from an approved or recognized school of massage, wherein the method, practice, profession, theory, ethics, anatomical and physiological knowledge and practice of massage is taught by state-certified instructors. The applicant must also supply a course description, and outline of material covered and a letter to the city from an authorized officer of the recognized school verifying completion. The Chief of Police may consider an applicant's study of massage completed outside the state if proof of completion from a formalized course of study in massage practice, anatomy and physiology is provided within the application. Proof of completion shall include dates of study and the name, address and phone number of the school attended. Any outside course of study submitted for approval shall meet the state's Office of Post Secondary Education minimum requirements.

2. Each applicant must provide proof of passage of the qualifying exam, independently prepared and administered national certification exam, through the National Certification Board for therapeutic massage and bodywork which has been recognized by objective standards to fairly evaluate the professional levels of skill, safety and competence, as determined by a qualified

massage association. Once the applicant is nationally certified in therapeutic massage and bodywork, recertification must take place in accordance with the requirements of the National Certification Board.

3. Each applicant must provide proof of membership in a qualified massage association.

4. No duty to accept the written applications exists on the part of the city where the written application fails to contain the massage technician's national certification of therapeutic massage and body work.

C. The written application shall be signed by the massage technician and shall be accompanied by the appropriate filing fee payable to the City of El Monte. Upon verification that the initial application is complete, the massage technician must take the ordinance examination, which requires the following:

1. Each massage technician must pass on an annual basis a written ordinance examination dealing with the requirements of this chapter to insure continued compliance of the duties and obligation assumed by the holder of a massage technician's permit. A minimum score of seventy (70) percent correct answers is required for the annual written ordinance examination. The written ordinance examination will be conducted in the English language.

2. An applicant who fails to pass the written ordinance examination shall not be eligible to take another written ordinance examination until sixty (60) days after the previous written ordinance examination. An applicant who fails to pass upon a second attempt, shall not be again eligible until six (6) months thereafter. An additional processing fee may be required to be filed with the Chief of Police prior to each written ordinance examination.

3. All massage technicians having any involvement in the massage establishment must successfully pass the written ordinance examination and provide the city with the schedule of hours and days which the massage technician will be required to operate in the massage establishments.

- D. An applicant who has successfully passed the written ordinance examination shall provide the Police Department within thirty (30) days of passage with a written supplemental application on a form provided by the Police Department. The Police Department shall conduct an investigation of the information included in the supplemental application. The Police Department shall not accept any supplemental application for processing unless it is completed. The Police Department shall confirm within ten (10) days of receipt of an executed supplemental application whether any additional information may be required. The Police Department shall begin to

process a completed supplemental application as promptly as feasible and shall grant or deny the issuance of an operator's permit within the period of time authorized in Section 5.56.080. The submission of a supplemental application for the issuance of a massage technician's permit does not authorize the massage technician to conduct any massage or therapeutic treatment until the massage technician's permit has been granted by the city. The supplemental application shall contain or be accompanied by the following written information:

In the case of a supplemental application for a massage technician's permit:

1. Identification of the specific massage establishment at which the applicant will be working as a massage technician.
2. The complete address and all telephone numbers of the massage establishment.
3. The following personal information concerning the applicant:
 - a. Full complete name and all aliases used by the applicant;
 - b. Current address, including telephone number and all previous addresses for eight (8) years immediately preceding the present address of the applicant;
 - c. Acceptable proof that the applicant is at least eighteen (18) years of age;
 - d. Height, weight, color of hair, eyes and sex;
 - e. Two (2) front faced portrait photographs at least two (2) inches by two (2) inches in size;
 - f. The applicant's complete business, occupation and employment history for eight (8) years preceding the date of application, including, but not limited to, the massage or similar business history and experience of the applicant;
 - g. The complete permit history of the applicant; whether such person has ever had any permit or license issued by any agency, board, city, county, territory or state; the date of issuance of such a permit or license, whether the permit or license was denied, revoked or suspended; or if a vocational or professional license or permit was denied, revoked or suspended; and the reason therefore;
 - h. All criminal convictions, including pleas of nolo contendere, within the last ten (10) years including those dismissed or expunged pursuant to Penal Code Section 1203.4, but excluding minor traffic violations, and the date and place of each such conviction and reason therefor; and
 - i. A complete set of fingerprints taken by the Police Department.

4. Authorization for the city, its agents and employees to seek verification of the information contained in the supplemental application.

5. Such other identification and information as the Chief of Police may require in order to verify the accuracy of the matters specified in the supplemental application.

6. A statement in writing, and dated, by the applicant that he or she certifies under penalty of perjury that all information contained in the supplemental application is true and correct.

E. A permit shall be approved unless the result of the investigation of the matter by the Police Department indicates that good cause exists for the denial of the issuance of a massage technician's permit. Each permit as approved shall be issued, subject to compliance with the conditions set forth in this section. (Prior code § 4224.7)

5.56.080

Issuance or denial of massage technician's permit following submission of a completed application.

A. Upon receipt of a written supplemental application for a massage technician's permit, the Chief of Police shall conduct an investigation in such a manner as deemed appropriate in order to ascertain whether a permit should be issued as requested. The Chief of Police shall, within sixty (60) days of receipt of a supplemental application, approve, conditionally approve or deny the application. The sixty (60) day period may be extended for up to thirty (30) additional days, if necessary to complete the investigation. The Chief of Police shall issue such permit as requested, unless he/she makes any of the following findings:

1. The applicant, or any person directly engaged or employed in the massage establishment, has within eight (8) years preceding the date of the application been:

a. Convicted of a violation of Penal Code Sections 266h, 266i, 314, 315, 316, or 318 or Section 647(a) or Section 647(b) or any other provision of law pursuant to which a person is required to register under the provisions of Penal Code Section 290, or when the prosecution accepted a plea of guilty or nolo contendere to a charge of a violation of California Penal Code Section 415 or any lesser included or lesser related offense, in satisfaction of or as a substitute for, any of the previously listed crimes;

b. Convicted of a violation of Health and Safety Code Section 11550 or any offense involving the illegal sale, distribution or possession of a controlled substance

specified in Health and Safety Code Sections 11054, 11055, 11056, 11057 or 11058;

c. Convicted of any offense in any other state which is the equivalent of any of the above-mentioned offenses;

d. Engaged in other conduct which would constitute grounds for suspension or revocation of a permit under this chapter;

e. Served with or is a part bound by a permanent injunction against the conducting or maintaining of a nuisance pursuant to Penal Code Sections 11225 through 11235, or any similar provisions of law in a jurisdiction outside the state;

f. Engaged in conduct which would constitute an offense as described in subsection (A)(1)(a) of this section, within eight (8) years immediately prior to the filing of any application;

g. Committed an act in another jurisdiction, which if committed in this state would have been a violation of law or which, if done by a permittee under this chapter, would be grounds for denial, suspension or revocation of the permit;

h. Convicted of an act involving dishonesty, fraud, deceit or moral turpitude or an act of violence, which act or acts are related to the qualifications, functions or duties of the operator; or

i. The applicant has had a massage technician permit or other similar license or permit denied or revoked for cause by a licensing authority or by any city, county, or state within eight (8) years prior to the date of application; or

2. The applicant has made a false, misleading or fraudulent statement or omission of fact to the city in either the initial permit application process or in the supplemental application process; or

3. The supplemental application does not contain all of the information required by EMMC Section 5.56.070; or

4. The massage establishment at which the applicant shall be authorized to be a massage technician does not comply with all other applicable laws, including, but not limited to, health, zoning, fire and safety requirements and standards; or

5. The applicant has not satisfied the requirements of this chapter in the time specified; or

6. If the supplemental application is denied for failure to comply with subsection (A)(2) or (3) of this section, the applicant may not reapply for a period of six (6) months from the date the supplemental application was denied.

B. All massage technicians shall comply with the following conditions and any other conditions specified

by the Chief of Police on issuance of the massage technician's permit.

1. No massage technician, massage technician aide, or employee shall massage the genital buttock, or anal area of any patron or the breast(s) of any female patron. No massage technician, massage technician aide or employer, while performing any task or service associated with the massage business, shall be present in any room with any person unless the person(s) genitals, buttock, anus, or, in the case of female, her breast(s), are fully covered.

2. The massage technician shall wear a photo identification card prepared and issued by the city at all times when present in the massage establishment. The identification card shall be worn on outer clothing with the photo side facing out. If a massage technician changes his or her business address, he or she shall, prior to such change, obtain from the Chief of Police a new photo identification card and advise the Police Department, in writing, of the new business address.

3. Massage technicians shall not perform any massage at any location other than the location specified on the permit, unless performing an off-premises massage pursuant to permit.

4. While on duty, the massage technician shall not use any name other than that specified on the photo identification card.

5. Massage attendants must shall be fully clothed at all times. Clothing shall be of a fully opaque, non-transparent material and provide the complete covering from mid-thigh to three (3) inches below the collar bone.

6. The massage technician consents to the inspection of the massage establishment by the city's Building and Safety, Fire Department and Police Department and the Health Department for the purpose of determining that the provisions of this chapter or other applicable laws or regulations are met. The massage technician consents to the inspection of the occupied massage rooms by the Police Department for the purpose of determining that the provisions of this chapter are met upon occurrence of any of the conditions described in Section 5.56.100 which would require the posting of the notice to all patrons. (Prior code § 4224.8)

5.56.090 Off-premises massage technician permit.

A. For purposes of this chapter, a massage performed or administered off-premises and requiring an off-premises massage permit shall be one performed or administered for money or other consideration by a licensed massage technician at a location other than a licensed massage establishment.

B. No person shall perform or administer a massage off the premises of a massage establishment, for money or other consideration, without obtaining a massage technician permit under Sections 5.56.070 and 5.56.080 in conjunction with a valid operator's permit and an off-premises massage permit under this section. Any person desiring an off-premises massage permit shall file a written application on the required form with the Police Department who shall conduct an investigation. The applicant shall accompany the application with the appropriate filing fee. The application shall contain or be accompanied by the following information:

1. The complete name and all aliases used by the applicant, along with complete residence and business address and telephone number;
2. The precise name and complete address and telephone number of each person receiving the off-premises massage;
3. The complete address at which the off-premises massage is to be conducted;
4. The specific reasons necessitating the performance of the massage at a location other than a massage establishment. If the off-premises massage is to be conducted at a commercial business, during normal business hours while patron remains fully clothed, a letter confirming these conditions from the commercial business shall accompany the application;
5. Such other information deemed necessary by the Chief of Police.

C. Any person desiring an off-premises massage technician permit shall file a supplemental application with the Police Department on a form provided by the Police Department. The Police Department shall conduct an investigation of the information included in the supplemental application. The supplemental application shall be accompanied by the appropriate filing fee established by resolution of the City Council. The Police Department shall not accept any application for processing unless it is complete. The Police Department shall confirm within ten (10) days of receipt of an executed supplemental application whether any additional information may be required. The Police Department shall begin to process a completed supplemental application as promptly as feasible and shall grant or deny the issuance of an off-premises massage technician permit within sixty (60) days following receipt of a completed application. The submission of an application for the issuance of a permit does not provide authorization for any person to administer to another person a massage until such permit has been granted by the city. The application shall contain the following information:

1. A statement of the exact location at which the applicant will be working as a massage technician, including the full street address and all telephone numbers associated with said location, and the name and address of the massage establishment.

2. The following personal information concerning the applicant:

- a. Full complete name, and all aliases used by the applicant, along with complete residence address and telephone number;
- b. All previous addresses for eight (8) years immediately preceding the present address of the applicant;
- c. Acceptance written proof that the applicant is at least eighteen (18) years of age;
- d. Height, weight, color of hair and eyes, and sex;
- e. Two (2) front faced portrait photographs at least two (2) inches by two (2) inches in size;
- f. The business, occupation and employment history of the applicant for the eight (8) years immediately preceding the date of the application;
- g. The complete permit history of the applicant and whether such person has ever had any license or permit, issued by any agency, board, city, or other jurisdiction, denied, revoked or suspended for the reasons therefor.

3. All criminal convictions, including pleas of nolo contendere, within the last ten (10) years, including those dismissed or expunged pursuant to Penal Code Section 1203.4, but excluding minor traffic violations, and the date and place of each such conviction and reason therefor.

4. A complete set of fingerprints taken by the Police Department.

5. Such other information and identification as the Chief of Police may require in order to discover the truth of the matters herein specified and as required to be set forth in the application.

6. Authorization for the city, its agents and employees to seek verification of the information contained in the application.

7. A statement in writing, and dated, by the applicant that he or she certifies under penalty of perjury that all information contained in the application is true and correct. (Prior code § 4224.9)

5.56.100 Requirements of operation of massage establishment.

No massage establishment shall operate in the city which does not satisfy the following minimum physical requirements:

A. Physical Requirements of Each Building In Which Business is Conducted.

1. **Structure.** Massage (business, etc.) all carried on in a structure which is located in a zoning district which permits such use. When a new massage establishment is constructed, three (3) sets of plans shall be submitted to the city and the County Health Care Agency for approval and shall be accompanied by the appropriate plan check fee.

2. **Signs.** Each operator shall post and maintain, adjacent to the main entrance and the front of the business, a readable sign identifying the premises as a massage establishment. The sign and the front of the business shall not be illuminated by strobe or flashing lights. Each operator shall display the operator's permit in a conspicuous public place within the massage establishment.

3. **Services List.** Each operator shall maintain a list of services available and the cost of such services set forth in type which is at least one-half inches in height which is posted for public view and inspection in a conspicuous public place within the premises. No operator or, responsible managing employee, shall permit, and no massage technician shall offer or perform, any massage or other service except as posted.

4. **Lighting.** Each operator shall provide in each room where massage is given sufficient lighting and ventilation that complies with the Uniform Building Code (See Title 15 of this code.) The lighting in each massage room shall be at least one sixty (60) watt white light bulb and shall be activated at all times while a patron is in such room or enclosure. No strobe flashing lights shall be used. No colored lights shall be used nor shall any coverings be used with change the color of the primary light source.

5. **Bath Facilities.** A minimum of one toilet and one separate wash basin shall be provided for patrons in each massage establishment, wash basin shall provide soap or detergent and hot running water at all times and shall be located within close proximity to the area devoted to the performing of massage services. A permanently installed soap dispenser, filled with soap, and a single service towel dispenser shall be provided at the restroom handwash sink. No bar soap can be used. A trash receptacle shall be provided in each toilet room. Showers may be provided at the operator's option.

6. **Linen Storage.** Closed cabinets shall be provided and utilized for storage of clean linens and approved receptacles shall be provided for the deposit of soiled linen.

7. **Separate Rooms.** If male and female patrons are to be treated simultaneously at the same massage establishment separate massage rooms shall be provided for male and female patrons.

8. **Maintenance.** All facilities for the massage establishment must be in good repair and shall be thoroughly cleaned and sanitized each day the business is in operation. All walls, floors and ceilings of each restroom and shower area shall be made smooth and easily cleanable. No carpeting shall be installed in any of these area.

9. **Massage Table.** A massage table shall be provided in each massage room and the massage shall be performed on this table. The tables should have a minimum height of eighteen (18) inches. Two (2) inch thick foam pads with a maximum width of four (4) feet may be used on a massage table and must be covered with durable, washable plastic or other waterproof material. Beds, floor mattresses and waterbeds may not be used in the administration of a massage.

B. Operational Requirements.

1. **Equipment.** Each operator shall provide and maintain on the premises adequate equipment for disinfecting and sterilizing of instruments used in massage.

2. **Inspections.** The operator consents to the inspection of the massage establishment by the city's Building and Safety, Fire Department and Police Department and the County Health Department for the purpose of determining that the provisions of this chapter or other applicable laws or regulations are met.

The Building Department, Fire Department, Police Department and the county Health Department may, from time to time, make an inspection of each massage establishment for the purpose of determining that the provisions of this chapter, state law or other applicable laws or regulations are met. Routine inspections by the city shall not occur more than twice a year unless violations are found or complaints are received. Criminal investigations may be conducted as directed by the Chief of Police or any other law enforcement agency. The Police Department may inspect the occupied massage rooms for the purpose of determining the provisions of this chapter are met upon occurrence of any of the conditions described in subsection (B)(17) of this section which would require the posting of the "Notice To All Patrons." During the course of the conduct of an administrative inspection by the Police Department, the operator and/or manager shall cooperate with the Police Department to complete the verification of the massage establishment, the identity of any massage technician on duty or otherwise in the premises during the course of the administrative inspection.

Inspections of the massage establishment by the city shall be conducted during business hours.

3. **Linen.** Common use of towels or linen shall not be permitted. Towels and linen shall be laundered or changed promptly after each use. Separate enclosed cabinets shall be provided for the storage of clean and

soiled linen and shall be plainly marked "clean linen" and "soiled linen" and shall have doors or covers.

4. Residential Occupancy of Premises. No person or persons shall be allowed to reside at the massage establishment at any time. All living quarters shall be separate from the massage establishment. No food of any kind shall be prepared for sale or sold in the establishment unless an appropriate food vending permit is granted by the county.

5. Alcoholic Beverages/Drugs. No person shall enter, be in, or remain in, any part of a massage establishment licensed under this chapter while in possession of, consuming, using or under the influence of, any alcoholic beverage or controlled substance. The owner, operator and manager shall be responsible to ensure that no such person who is under the influence of alcoholic beverages or controlled substances shall enter or remain upon the massage establishment. The consumption of alcoholic beverages and/or use of controlled substances at a massage establishment is prohibited.

6. Recordings. No electrical, mechanical or artificial devices shall be used by the operator or any employee of the massage establishment for audio and/or video recording or for monitoring the performance of a massage, or the conversation or other sounds in the massage rooms without the knowledge or consent of the patron.

7. Business Records. The owner, operator or manager of the massage establishment shall keep a complete and current list of the names and residence addresses of all massage technicians and employees of the massage establishment and the name and residence addresses of the manager or managing employee purported to be principally in charge of the operation of the massage establishment. This roster shall be kept at and/or on the premises and be available for inspection by officials charged with enforcement of this chapter.

8. Coverings. Each massage establishment shall provide to all patrons clean, sanitary and opaque coverings capable of covering the patrons specified anatomical areas, including the genital area, anus and female breast(s). No common use of such coverings shall be permitted and re-use is prohibited unless adequately cleaned.

9. Maintenance of Business Records. Each operator shall keep and maintain a record of the dates and hours of each treatment or service, the name and address of the patron, the name of technician administering such service and a description of the treatment or service rendered. A short massage therapeutic history form shall be completed by the operator for each patron which identifies communicable diseases, areas of paid, high blood pressure or any physical condition which may be relevant to the adminis-

tration of the manager. These records shall be prepared by the operator, manager or massage technician prior to administering any massage or treatment and shall be retained by the operator for a period of twenty-four (24) months after such treatment or service. These records shall be open to inspection upon demand only by officials charged with enforcement of this chapter and for no other purpose. The Police Department shall periodically inspect the records to ensure compliance with this section. Such records shall be kept on the premises of the massage establishment for a period of two (2) years. The information furnished or secured as a result of any such records should be used only to ensure and enforce compliance with this chapter, or any other applicable State or Federal laws and shall remain confidential. Any unauthorized disclosure or use of such information by any officer or employee of the city shall constitute a misdemeanor.

10. Hours Of Operation. No person shall operate a massage establishment or administer a massage in any massage establishment or administer a massage pursuant to an off-premises massage permit between the hours of eleven p.m. and seven a.m. A massage begun anytime before eleven p.m., must nevertheless terminate at eleven p.m. All customers, patrons and visitors shall be excluded from the massage establishment during those hours.

11. Advertising. No massage establishment granted a permit under this chapter shall place, publish or distribute or cause to be placed, published or distributed any advertising matter that depicts any portion of the human body that would reasonable suggest to prospective customers or clients that any service is available other than those services described in this chapter, nor shall any massage establishment employ language in the text of such advertising that would reasonable suggest to a prospective patron that any service is available other than those services authorized by this chapter.

12. Handicap Areas. All new massage establishments must comply with all state and federal laws and regulations for handicap customers.

13. Compliance. Proof of compliance shall be provided by the applicant and verified by the Police Department that all other applicable provisions of the code, including without limitation, Chapter 17.76 of the code (Adult Entertainment Establishments).

14. Doors. All front, reception, hallway or front exterior doors (except back or rear exterior doors used for employees entrance to and exit from the massage establishment) shall be unlocked during business hours. The owner must advise the city, at the time of the application for a permit, any changes in hours must be provided in writing to the city. No massage may be given within any cubical, room, booth or any area within a massage estab-

lishment which is fitted with a door capable of being locked, unless the only door is an exterior door.

15. No person(s) other than valid permit holders under this chapter and customers will be allowed anywhere other than the lobby/reception area during hours of operation.

16. Notices. The Chief of Police may require that the following notice:

NOTICE TO ALL PATRONS

THIS MESSAGE ESTABLISHMENT AND THE MESSAGE ROOMS DO NOT PROVIDE COMPLETE PRIVACY AND ARE SUBJECT TO INSPECTION BY THE EL MONTE POLICE DEPARTMENT WITHOUT PRIOR NOTICE.

be posted in the event that any employee of the massage establishment or any person who has been aided and abetted by an employee of the massage establishment has been found, after full hearing by administrative proceedings or State Court, to have violated any of the offenses listed in Section 5.56.050 and 5.56.080. The notice set forth above shall be prepared and issued by the Chief of Police. The notice shall be conspicuously posted in a location within the massage establishment that is easily visible to any person entering the premises and in each massage room. This notice shall be so posted for twelve (12) months following the violation of any of the offenses set forth above.

The requirement for posting the notice described in this section is cumulative and in addition to all other remedies, violations and penalties set forth in this chapter, or in the ordinances, laws, rules or regulations of the city, county and the state. (Prior code § 4224.10)

5.56.110 Changes of business.

A. Every massage establishment operator shall report immediately to the Police Department Community Services Officer any and all changes of ownership or management of the massage establishment, including, but not limited to, changes of manager or other person principally in charge, stockholders holding more than five (5) percent of the stock of the corporation, officers, directors and partners in any and all changes of name, style or designation under which the business is to be conducted, and all changes of address or telephone numbers of the massage business. A change of location of any of the premises may be approved by the Chief of Police provided there is compliance with all applicable regulations of the city.

B. No massage establishment permit may be sold, transferred or assigned by a permittee, or by operation of law, to any other person or persons. Any such sale, transfer or assignment, or attempted sale, transfer or assignment, shall be deemed to constitute a voluntary surrender of such permit and such permit shall thereafter be null and void; provided and excepting, however, that if the permittee is a partnership and one or more of the partners should die, one or more of the surviving partners may acquire, by purchase or otherwise, the interest of the deceased partner or partners without effecting a surrender or termination of such permit, and in such case, the permit, upon notification to the Chief of Police, shall be placed in the name of the surviving partners. A massage establishment permit issued to a corporation shall be deemed terminated and void when either any outstanding stock of the corporation is sold, transferred or assigned after the issuance of a permit, or any stock authorized but not issued at the time of the granting of a permit is thereafter issued or sold, transferred or assigned. No massage technician permit may be sold, transferred or assigned by a permittee, or any operation of law, to any other person or persons. (Prior code § 4224.11)

5.56.120 Fees.

The City Council shall establish by resolution, and from time to time, may amend the fees for the administration of this chapter. The city shall include in this resolution a health service fee schedule prescribing annual fees to be paid by the operator of each massage establishment, such fees to be paid directly to the county of Los Angeles Health Department and retained by the county as reimbursement for said services related to this chapter. Fees required by this chapter shall be in addition to any required under any other chapter of this code. (Prior code § 4224.12)

5.56.130 Exemption—Existing permittees.

A. The requirements of this chapter shall have no application and no effect upon and shall not be construed as applying to any persons designated as follows: physician, surgeon, chiropractor, osteopath or any registered or licensed vocational nurse working on the premises of and under the direct supervision of a physician, surgeon, chiropractor or osteopath duly licensed to practice their respective professions in the state. Practical nurses or other persons without qualifications as massage technicians whether employed by physicians, surgeons, chiropractors or osteopaths or not, may not give massage or massage procedures.

B. Commencing on the effective date of the ordinance codified in this chapter, all permits are to be issued in accordance with the provisions of this chapter.

C. Existing operator's, manager's and massage technician's permits shall continue in effect until expiration and shall be renewed in accordance with the provisions of this amended ordinance. All persons holding existing massage technician, manager's and operator permits have eighteen (18) months from the effective date of the ordinance codified in this chapter to comply with the educational requirements of this chapter. (Prior code § 4224.13)

5.56.140 Transfer and duration of permits.

A. No permit issued hereunder shall be transferable to any other person or establishment, provided, however, an additional location or change of location of a massage technician permit will be allowed upon prior written notice to the Chief of Police and payable of the appropriate transfer fee.

B. Permits for massage operators, managers and technicians shall be renewed on a year to year basis provided that the permittees continue to meet the requirements set out in this chapter.

C. Applications for the next ensuing permit shall be filed with the Chief of Police before the expiration of the existing permit. Temporary permits will not be issued and renewal applications must be filed no later than sixty (60) days prior to the expiration of the permit to prevent a lapse of the permit.

D. Renewal applications shall require such information as may be required by the Chief of Police to update the information contained in the original permit application. The applicant shall accompany the application for renewal with the appropriate filing fee. (Prior code § 4224.14)

5.56.150 Suspension, revocation, denial and appeal.

A. Violation and Noncompliance. The Chief of Police shall refuse to renew a permit or shall revoke or suspend an existing permit on the grounds that the applicant or permit holder has failed to comply with the permit conditions and other requirements of this chapter. If a suspended permit lapses during the suspension period, a new application must be made at the end of the suspension period. In any such case, the applicant or permit holder shall have the right to appeal to the City Council in the time and manner set forth in this section.

B. Revocation and Suspension of an Operator's Permit or a Manager's Permit.

1. The Chief of Police shall revoke or refuse to renew an operator's permit or a manager's permit if he

or she make any of the findings for denial of a permit under Section 5.56.050(A), (B)(1) or (7) or upon any subsequent violation of any provision within one year following prior suspension under subsection (B)(1) of this section, or upon demonstrated inability, to operate or manage the massage establishment in a law abiding manner, thus necessitating action by law enforcement officers;

2. The Chief of Police shall suspend an operator's permit and/or a manager's permit, as applicable, for a period of thirty (30) days for each violation of Sections 5.56.050B or 5.56.090B not specified in subsection (B)(1) of this section.

C. Revocation and Suspension of Massage Technician Permit.

1. The Chief of Police shall revoke or refuse to renew a massage technician permit if he or she makes any of the findings for denial of a permit under Section 5.56.080(A), (B)(1), (2) or (6) or upon any subsequent violation of any provision of this chapter within one year following a suspension under subsection (C)(3) of this section;

2. The Chief of Police shall suspend a massage technician permit for a period of thirty (30) days for each violation of Sections 5.56.080B, 5.56.090B or 5.56.100, not specified in subsection (C)(1) of this section.

D. When the Chief of Police concludes that grounds for denial, suspension, revocation or refusal to renew a permit exist, the Chief of Police shall serve the applicant or permit holder, either personally or by certified mail, addressed to the business or residence address of applicant or permit holder, with a notice of denial or notice of intent to suspend, revoke or refuse to renew permit. This notice shall state the reasons for the proposed action, the effective date of the decision if no appeal is filed by applicant or permit holder and the right of the applicant or permit holder to appeal to the City Council and the decision of the Chief of Police.

E. The right to appeal to the City Council shall terminate upon the expiration of fifteen (15) days following the receipt of the Notice. The City Council of the city may preside over the hearing on appeal or, in the alternative, the Chief of Police may appoint a Hearing Officer to conduct the hearing, receive relevant evidence and to submit to the City Council findings and recommendations to be considered by the City Council. The City Council shall render its decision within forty-five (45) days from the date of the hearing or, in the event that a hearing officer has been appointed, within forty-five (45) days from the date on which the City Council receives the findings and recommendations of the hearing officer. The decision of the City Council shall be final. Any legal

proceeding which may be initiated to challenge the decision of the City Council in considering an appeal shall be commenced within the period of time authorized by Code of Civil Procedure Section 1094.6. (Amended during 1999 recodification; prior code § 4224.15)

5.56.160 Violation—Penalty.

A. Every person, except those persons who are specifically exempt by this chapter, whether acting as an individual, owner, employee of the owner, operator or employee of the operator, or whether acting as a mere helper for the owner, employee or operator, or whether acting as a participant or worker in any way, who gives a massage or operates a massage establishment or who advertises massage services within the city without first obtaining a permit and paying for a license to do so from the city, or shall violate any provision of this chapter, shall be guilty of a misdemeanor.

B. Any massage establishment operated, conducted or maintained contrary to the provisions of this chapter shall be, and the same is declared to be, unlawful and a public nuisance, and the city may, in addition to or in lieu of prosecuting a criminal action hereunder, commence an action or actions, proceeding or proceedings, for the abatement, removal and injunction thereof, in the manner provided by law, and shall take such other steps and shall apply to such court or courts as may have jurisdiction to grant such relief as will abate or remove such massage establishments and restrain and enjoin any person from operating, conducting or maintaining a massage establishment contrary to the provisions of this chapter. (Prior code § 4224.16)

Chapter 5.58

SEIZURE AND FORFEITURE OF VEHICLES USED TO SOLICIT PROSTITUTION OR USED TO ACQUIRE OR ATTEMPT TO ACQUIRE CONTROLLED SUBSTANCES

Sections:

5.58.010	Definitions.
5.58.020	Declaration of nuisance.
5.58.030	Vesting of title.
5.58.040	Seizure of vehicles subject to forfeiture; seizure proceedings.
5.58.050	Seized vehicles as evidence.
5.58.060	Return of seized vehicles if no authorization to hold.
5.58.070	Forfeiture of vehicle; procedures.
5.58.080	Innocent parties; return of vehicle.
5.58.090	Claim procedures/post-seizure probable cause hearing.
5.58.100	Forfeiture hearing.
5.58.110	Forfeiture of vehicles determined to be nuisances.
5.58.120	Alternative settlement procedures.
5.58.130	Proceeds of forfeiture.
5.58.140	Nonexclusive remedy.

5.58.010 Definitions.

As used in this chapter:

“City” means the city of El Monte.

“Controlled substance” means a drug, substance or immediate precursor as defined in California Health and Safety Code Section 11007, or any controlled substance analog as defined in California Health and Safety Code Section 11401.

“Department” means the Police Department of the city of El Monte.

“Owner” means the last registered and legal owner of record of the vehicle that is used to solicit prostitution and/or acquire or attempt to acquire a controlled substance, as shown on records of the Department of Motor Vehicles or similar state entity.

“Peace Officer” means any El Monte Police Officer.

“Solicit or soliciting controlled substances” means the solicitation of controlled substances as these are defined in this section.

“Solicit or soliciting prostitution” means the solicitation of prostitution as defined in California Penal Code Section 647(b).

“Vehicle” means a vehicle as defined in California Vehicle Code Section 670. (Ord. 2681 § 2 (part), 2006; Ord. 2580 § 1 (part), 2003)

5.58.020 Declaration of nuisance.

Any person, or his or her servant, agent or employee who owns, leases, conducts, uses or maintains any vehicle for the purpose of soliciting prostitution and/or acquiring or attempting to acquire any controlled substance shall be guilty of committing a nuisance. Any vehicle used to solicit an act of prostitution and/or to acquire or attempt to acquire any controlled substance is also declared to be a nuisance. Such vehicle shall be subject to seizure and forfeiture as provided in this chapter. Declaration of this nuisance is made according to the authority of Government Code Section 38771. (Ord. 2681 § 2 (part), 2006; Ord. 2580 § 1 (part), 2003)

5.58.030 Vesting of title.

Subject to the requirements of Section 5.58.010, and except as further limited by this chapter, all right, title, and interest in any vehicle used to solicit an act of prostitution and/or to acquire or attempt to acquire any controlled substance shall vest in the city upon commission of the act giving rise to forfeiture. (Ord. 2681 § 2 (part), 2006; Ord. 2580 § 1 (part), 2003)

5.58.040 Seizure of vehicles subject to forfeiture; seizure proceedings.

A. A vehicle subject to forfeiture under this chapter may be seized by any Peace Officer of the city upon process issued by any court having jurisdiction over the vehicle. Seizure without process may be made if any of the following situations exist:

1. The seizure is incident to an arrest or a search under a search warrant;
2. There is probable cause to believe that the vehicle was used or is intended to be used in violation of this chapter;
3. There is probable cause to believe that the vehicle is directly or indirectly dangerous to the health or safety of persons or property.

B. The city may notify the Franchise Tax Board of a vehicle seized where there is reasonable cause to believe that the value of the seized vehicle exceeds five thousand dollars (\$5,000).

C. Receipts for vehicles seized pursuant to this chapter shall be delivered to any person out of whose possession such vehicle was seized, in accordance with California Penal Code Section 1412. There shall be a presumption affecting the burden of proof that a person to whom a re-

ceipt was issued is the owner thereof. This presumption may, however, be rebutted at the forfeiture hearing specified in Section 5.58.070. (Ord. 2681 § 2 (part), 2006: Ord. 2580 § 1 (part), 2003)

5.58.050 Seized vehicles as evidence.

A vehicle seized pursuant to this chapter, where appropriate, may be held for evidence. (Ord. 2681 § 2 (part), 2006: Ord. 2580 § 1 (part), 2003)

5.58.060 Return of seized vehicles if no authorization to hold.

Within fifteen (15) days after seizure, if the Peace Officer does not hold the vehicle for evidence or if the department does not refer the matter in writing for institution of forfeiture proceedings by the City Attorney, the Peace Officer or department shall comply with any notice to withhold issued to the city with respect to the vehicle by the Franchise Tax Board. If no notice to withhold has been issued with respect to the vehicle by the Franchise Tax Board, the Peace Officer or the department shall return the vehicle to the registered owner. Alternatively, the city may return the vehicle to the registered lienholder upon the lienholder's filing of a hold harmless agreement on behalf of the city. Said vehicle shall not be released unless the hold harmless agreement is accepted by the department and the City Attorney. (Ord. 2681 § 2 (part), 2006: Ord. 2580 § 1 (part), 2003)

5.58.070 Forfeiture of vehicle; procedures.

A. Except as provided in subsection G of this section, if the City Attorney determines that factual circumstances warrant that the vehicle is subject to forfeiture, and are not automatically made forfeitable by another provision of this chapter, the City Attorney shall file a petition for forfeiture with the Superior Court of Los Angeles County.

B. A petition for forfeiture under this subsection shall be filed as soon as practicable, but in any case a petition must be filed within one year of the seizure of the vehicle which is subject to forfeiture.

C. Physical seizure of the vehicle shall not be necessary in order to have the vehicle alleged to be forfeitable in a petition pursuant to this section. The City Attorney may seek protective orders for any such vehicle.

D. The City Attorney shall cause notice of the seizure and of the intended forfeiture proceedings, as well as a notice stating that any interested party may file a verified claim with the Superior Court of Los Angeles County, to be served by personal delivery or by registered mail upon any person who has an interest in the vehicle. Whenever a notice is delivered pursuant to this section, it shall be accompanied

by a claim form as described in Section 5.58.090, as well as directions for the filing and service of a claim. Notice shall also be published once in a newspaper of general circulation in Los Angeles County.

E. An investigation shall be made by the department as to any claimant to the vehicle whose right, title, interest, or lien is of record in the Department of Motor Vehicles or appropriate federal agency. If the department finds that a person, other than the registered owner, is the legal owner of the vehicle, and such ownership did not arise subsequent to the date and time of arrest or notification of the forfeiture proceedings or seizure of the vehicle, it shall forthwith send a notice to the legal owner at his or her address appearing on the records of the Department of Motor Vehicles or appropriate state agency.

F. All notices shall set forth the time within which a claim of interest in the vehicle seized or that is subject to forfeiture is required to be filed pursuant to Section 5.58.090.

G. The City Attorney may, pursuant to this subsection, order the forfeiture of the vehicle seized pursuant to this chapter. The City Attorney shall provide notice of the proceedings under this subsection, including:

1. A description of the vehicle;
2. The date and place of seizure;
3. The violation of law alleged with respect to forfeiture of the vehicle;
4. The instructions for filing and serving a claim with the City Attorney pursuant to Section 5.58.090 and time limits for filing a claim.

H. If no claims are timely filed, the City Attorney shall prepare a written declaration of forfeiture of the vehicle to the city and dispose of the vehicle in accordance with this chapter. A written declaration of forfeiture signed by the City Attorney under this section shall be deemed to provide good and sufficient title to the forfeited vehicle. The City Attorney ordering forfeiture pursuant to this section shall provide a copy of the declaration of forfeiture to any person who received notice of the forfeiture proceedings.

I. If a claim is timely filed within fifteen (15) days, then the City Attorney shall file a petition for forfeiture pursuant to this section within thirty (30) days of receipt of the claim. (Ord. 2681 § 2 (part), 2006: Ord. 2580 § 1 (part), 2003)

5.58.080 Innocent parties; return of vehicle.

Notwithstanding the provisions of this chapter, the department shall return a seized vehicle upon the filing of a timely claim pursuant to Section 5.58.090 and upon a showing by the claimant that:

A. The vehicle is owned by two (2) or more persons and there is a community property interest in the vehicle by a person other than the person who used or maintained the vehicle for the purpose of soliciting prostitution and/or acquiring or attempting to acquire any controlled substance, and the vehicle is the sole vehicle available to the person's immediate family;

B. The vehicle is owned by the employer of the person who used or maintained the vehicle for the purpose of soliciting prostitution and/or acquiring or attempting to acquire any controlled substance; or

C. The vehicle is owned by a rental car agency with a duly executed contract with the person who used or maintained the vehicle for the purpose of soliciting prostitution and/or acquiring or attempting to acquire any controlled substance. (Ord. 2681 § 2 (part), 2006: Ord. 2580 § 1 (part), 2003)

5.58.090 Claim procedures/post-seizure probable cause hearing.

A. Any person claiming an interest in the vehicle seized must at any time within fifteen (15) days from the date of the notice of seizure, file with the Superior Court of Los Angeles County a claim, verified in accordance with Section 446 of the Code of Civil Procedure, stating his or her interest in the vehicle. An endorsed copy of the claim shall be served by the claimant on the City Attorney within ten (10) days of the filing of the claim.

B. Any claimant who timely files a claim may file a written request for a post-seizure probable cause hearing using the form provided by the department.

1. If the department does not receive a request for a post-seizure probable cause hearing within thirty (30) days from the date that the notice of seizure is published in a newspaper of general circulation, any rights to request such hearing will be deemed waived, and the requirements for post-seizure probable cause hearing will be satisfied.

2. If a request for a post-seizure probable cause hearing is timely filed within thirty (30) days, then the department shall provide such a hearing as provided for in subsection C of this section.

C. A post-seizure probable cause hearing will be conducted by the department, before a neutral decision-maker, within twelve (12) business days following the receipt of the first request for a post-seizure probable cause hearing filed with the department in accordance with this section. For purpose of this section, "business days" shall be defined as Monday through Thursday, excluding state or federal holidays. If there are multiple claimants, the department shall not be required to conduct multiple post-seizure probable cause hearings for each seized vehicle. A

finding of probable cause for seizure of the vehicle is conclusive as to all claimants.

1. The department may authorize a hearing officer to conduct the post-seizure probable cause hearing. The authorized hearing officer must not have participated in the seizure of the vehicle.

2. At the post-seizure probable cause hearing, the department will be required to show that probable cause existed for the initial seizure of the vehicle pursuant to this chapter.

3. If the post-seizure probable cause hearing officer determines that probable cause did not exist for the seizure, the vehicle shall be released as soon as practicable to the appropriate claimant without imposing any towing and/or storage charges. The City Attorney and each claimant shall be notified of the release.

4. If the post-seizure probable cause hearing officer determines that probable cause existed for the seizure, then forfeiture proceedings against the vehicle will continue as provided in Section 5.58.100 et seq. (Ord. 2681 § 2 (part), 2006: Ord. 2580 § 1 (part), 2003)

5.58.100 Forfeiture hearing.

With the respect to a vehicle for which forfeiture is sought and as to which forfeiture is contested, the city shall have the burden of proving by a preponderance of the evidence that the vehicle was used for the solicitation of prostitution and/or to attempt to solicit or solicit drug sales as these crimes are defined in this chapter. Trial shall be before the court or jury. The presiding judge of the Superior Court shall assign actions brought pursuant to this chapter for trial.

A. Court proceedings shall be in accordance with the following:

1. If a verified claim is filed, the forfeiture proceeding shall be set for a hearing on a day not less than thirty (30) days therefrom;

2. The hearing shall be before the court;

3. The provisions of the Code of Civil Procedure shall apply to proceedings under this chapter unless otherwise inconsistent with the provisions or procedures set forth in this chapter. However, there shall be no joinder of actions or coordination of actions, except for forfeiture proceedings, or cross-complaints and the issues shall be limited strictly to questions related to this chapter. (Ord. 2681 § 2 (part), 2006: Ord. 2580 § 1 (part), 2003)

5.58.110 Forfeiture of vehicles determined to be nuisances.

Upon proof that a vehicle was used for any of the purposes set forth in Section 5.58.020, the court shall declare

such vehicle a nuisance and order that the vehicle be seized, forfeited and sold and the proceeds distributed in accordance with this chapter. (Ord. 2681 § 2 (part), 2006: Ord. 2580 § 1 (part), 2003)

5.58.120 Alternative settlement procedures.

Any person, or his or her servant, agent or employee who owns, leases, conducts, uses or maintains any vehicle for the purpose of soliciting prostitution and/or acquiring or attempting to acquire any controlled substance and whose vehicle has been seized in accordance with this chapter may request to execute a voluntary settlement agreement with the city for the return of the vehicle. Such request shall be made in writing to the department. The settlement amount incorporated in the settlement agreement shall be sufficient to cover all of the city's reasonable administrative costs, including attorney's fees and personnel time for the seizure and forfeiture action and shall be set by resolution. The executed settlement agreement shall be accompanied by the appropriate settlement fee amount in the form of a money order or cashier's check. (Ord. 2681 § 2 (part), 2006: Ord. 2580 § 1 (part), 2003)

5.58.130 Proceeds of forfeiture.

In all cases where a vehicle is seized and forfeited to the city, the vehicle shall be sold, or if cash is paid as settlement in lieu of forfeiture of the vehicle, and the proceeds shall be distributed and appropriated as follows:

A. To the bona fide or innocent purchaser, conditional sales vender, mortgage or lien holder of the vehicle, if any, up to the amount of his or her interest in the vehicle, when the court or City Attorney declares the forfeiture and orders a distribution to that person.

B. To the city for all expenditures made or incurred by it in connection with the publication of the notices set forth in this chapter, and sale of the vehicle, including expenditures for any necessary repairs, storage or transportation of any vehicle seized under this chapter.

C. The remaining funds shall be distributed to the department to cover the costs of implementing the program. Such funds shall be placed in a separate account titled "The Vehicle Forfeiture Account." The Vehicle Forfeiture Account shall be subject to appropriate accounting controls and financial audits for all deposits and expenditures.

D. All the funds distributed to the department pursuant to subsection C of this section shall not supplant any funds that would, in the absence of this chapter, be made available to support the law enforcement and prosecutorial efforts of the department. (Ord. 2681 § 2 (part), 2006: Ord. 2580 § 1 (part), 2003)

5.58.140 Nonexclusive remedy.

This chapter is not the exclusive regulation or penalty for the solicitation of prostitution and/or the acquisition or attempt to acquire controlled substances. It supplements and is in addition to the other regulatory codes, statutes, and ordinances heretofore or hereafter enacted by the city, the state or any other legal entity or agency having jurisdiction. (Ord. 2681 § 2 (part), 2006: Ord. 2580 § 1 (part), 2003)

Chapter 5.60

MODEL STUDIOS AND PICTURE ARCADES

Sections:

Article I. Definitions

5.60.010 Definitions.

Article II. Model Studio Requirements

- 5.60.020 Permit required.
- 5.60.030 Grounds for denial and revocation.
- 5.60.040 Signs prohibited.
- 5.60.050 Hours.
- 5.60.060 Supervision.
- 5.60.070 Visibility.
- 5.60.080 Inspection.
- 5.60.090 Location.
- 5.60.100 Records.
- 5.60.110 Communication devices.
- 5.60.120 Figure model permit.
- 5.60.130 Register.
- 5.60.140 Identification.
- 5.60.150 Posting.

Article III. Figure Models

- 5.60.160 Permit required.
- 5.60.170 Grounds for denial and revocation.

Article IV. Picture Arcades

- 5.60.180 Permit required.
- 5.60.190 Age requirement.
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- 5.60.210 Hours.
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- 5.60.250 Lighting.
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- 5.60.270 Examination of pictures.
- 5.60.280 Alcohol or drugs.
- 5.60.290 Communication devices.
- 5.60.300 Minors.
- 5.60.310 Posting of regulations.

Article I. Definitions

5.60.010 Definitions.

For the purposes of this chapter, the following words

and phrases shall be construed as herein set forth unless it is apparent from the context that a different meaning is intended:

"Figure model" means any person, male or female, who poses to be observed, viewed, sketched, painted, drawn, sculptured, photographed or otherwise similarly depicted.

"In the nude" or "semi-nude" means completely without clothing or covering, or with partial clothing or covering, but with any pubic area exposed or with any portion of the crease of the buttocks exposed or with the breasts exposed by a female so that the nipples or that portion of the breast which has a different pigmentation than the main portion of the breast are exposed.

"Model studio" means and includes:

1. Any premises on which there is conducted the business of furnishing figure models who pose for the purpose of being observed or viewed by any person or of being sketched, painted, drawn, sculptured, photographed, or otherwise similarly depicted in the nude or semi-nude for persons who pay a fee, or other consideration or compensation, or a gratuity, for the right of opportunity so to depict the figure model, or for admission to, or for permission to remain upon, or as a condition of remaining upon the premises;

2. Any premises where there is conducted the business of furnishing or providing or procuring for a fee, or other consideration or compensation or gratuity, figure models to be observed or viewed by any person or to be sketched, painted, drawn, sculptured, photographed, or otherwise similarly depicted in the nude or semi-nude.

3. Exception. "Model studio" shall not include any studio which is operated by any State College, or public Junior College or school wherein the persons, firm, association, partnership, or corporation operating it has met the requirements established in Division 21 of the Education Code for the issuance or conferring of, and is in fact authorized thereunder to issue and confer a diploma or honorary diploma.

"Picture arcade" means any premises where there is maintained one or more machines or contrivances to show filmed still or motion pictures and for which any charge, consideration or payment is required, and which machines or contrivances are designed for use by not more than five (5) people at any one time. (Prior code §§ 6399.301—6399.305)

Article II. Model Studio Regulations

5.60.020 Permit required.

No person shall operate or manage a model studio

without first having obtained and having in effect a valid written permit secured in accordance with Chapter 5.12 of this title. (Prior code § 6399.401)

5.60.030 Grounds for denial and revocation.

In addition to the grounds for permit denials specified in Section 5.12.120 of the El Monte Municipal Code and the grounds for permit revocation specified in Section 5.12.240 of the El Monte Municipal Code, the permit required by this article shall be denied, or if already issued shall be revoked, as to any person who is under the age of eighteen (18) years, or upon a finding that the applicant or permittee is not of good moral character, has been convicted of an offense involving moral turpitude including but not limited to all offenses enumerated in Section 311 of the California Penal Code or proscribed by Sections 220, 262, 266 through 266(i), 267 through 269(b), 273(f), 288, 288(a), 309, 315, 316 or 653(f) of the California Penal Code. (Amended during 1999 recodification; prior code § 6399.402)

5.60.040 Signs prohibited.

No operator or manager of a model studio nor any other person shall erect or maintain or permit the erection or maintenance on the outside of any model studio any sign which in whole or in part depicts the human form or any portion or portions thereof, whether clothed or unclothed. (Prior code § 6399.403)

5.60.050 Hours.

No person shall conduct or operate a model studio between the hours of ten p.m. and ten a.m. of the following day. (Prior code § 6399.404)

5.60.060 Supervision.

No person shall conduct or operate a model studio unless the permittee personally, or a manager previously fingerprinted by the City Police Department, shall be present on the premises at all times while the establishment is open or in operation. (Prior code § 6399.405)

5.60.070 Visibility.

No person operating or managing a model studio shall permit conditions to exist whereby the interior of said model studio is visible from outside the building or premises. (Prior code § 6399.406)

5.60.080 Inspection.

Every person operating or managing a model studio shall be responsible for and shall provide that any room or area used for the purpose of figure modeling shall be readily accessible at all times and shall be opened to view

in its entirety for inspection by any law enforcement officer. (Prior code § 6399.407)

5.60.090 Location.

No permittee shall permit or conduct figure modeling on any premises other than that to which the permit has been issued. (Prior code § 6399.408)

5.60.100 Records.

Every person operating or managing a model studio shall maintain a current file of all figure models employed upon or using the premises. This file shall contain the true name and aliases used by each figure model, the age, birth date, height, weight, color of hair and eyes, home address, phone numbers, Social Security number and the date of employment and termination. Inactive file cards shall be maintained on the premises for the period of one year following termination of employment. Every such person shall make all such records available immediately upon demand of any Peace Officer. (Prior code § 6399.409)

5.60.110 Communication devices.

No person operating or managing a model studio shall permit communication devices to be installed or used in any manner on the premises so as to interfere with or hinder inspections by Peace Officers. (Prior code § 6399.410)

5.60.120 Figure model permit.

No permittee shall permit any person to function as a figure model unless such person has in his or her possession a valid and current permit issued pursuant to Chapter 5.12 of this title or issued by the county. (Prior code § 6399.411)

5.60.130 Register.

The permittee shall maintain a complete and current register of all patrons. The register shall contain, but is not restricted to the following information:

- A. Time, date and duration of appointment;
- B. Complete and true name of patron;
- C. Age;
- D. Address;
- E. Phone numbers;
- F. Occupation;
- G. Business name and address and/or school's name and address;
- H. Name of figure model used.

The permittee shall keep the register in numerical sequence with a new registration for each appointment. No registration shall be removed from the register. The

permittee shall make this register available immediately upon demand of any Peace Officer. (Prior code § 6399.412)

5.60.140 Identification.

The permittee shall require every patron to exhibit a driver's license, Social Security card or other license or permit issued to such patron by an agency of local, state or federal government. The permittee shall check such permit, license or card against the register signed by the patron and shall note upon such register any discrepancies between such permit, license or card and the register, and shall add to such register any identifying information or numbers contained in such permit, license or card not already upon the register. (Prior code § 6399.413)

5.60.150 Posting.

The permittee shall post and continuously keep posted a copy of this chapter in a conspicuous place inside the licensed premises. (Prior code § 6399.414)

Article III. Figure Models

5.60.160 Permit required.

No person shall act in the capacity of a figure model in any premises requiring a permit unless such person has in his or her possession a valid and current permit issued pursuant to Chapter 5.12 of this title or issued by the county. (Prior code § 6399.501)

5.60.170 Grounds for denial and revocation.

In addition to the grounds for permit denials specified in Section 5.12.120 of the El Monte Municipal Code and the grounds for permit revocation specified in Section 5.12.240 of the El Monte Municipal Code, the permit required by this article shall be denied, or if already issued shall be revoked, as to any person who is under the age of eighteen (18) years, or upon a finding that the applicant or permittee is not of good moral character, has been convicted of an offense involving moral turpitude including but not limited to all offenses enumerated in Section 311 of the California Penal Code or proscribed by Sections 220, 262, 266 through 266(i), 267 through 269(b), 273(f), 288, 288(a), 309, 315, 316 or 653(f) of the California Penal Code. (Prior code § 6399.502)

Article IV. Picture Arcades

5.60.180 Permit required.

No person shall own, operate, manage, conduct or maintain a picture arcade without first having obtained

a permit pursuant to Chapter 5.12 of this title. (Prior code § 6399.601)

5.60.190 Age requirement.

A picture arcade license shall not be issued to any person under eighteen (18) years of age, or to a corporation any of whose officers are under eighteen (18) years of age. (Amended during 1999 recodification; prior code § 6399.602)

5.60.200 Grounds for denial and revocation.

In addition to the grounds for permit denials specified in Section 5.12.120 of the El Monte Municipal Code and the grounds for permit revocation specified in Section 5.12.240 of the El Monte Municipal Code, the permit required by this article shall be denied, or if already issued shall be revoked, as to any person who is under the age of eighteen (18) years, or upon a finding that the applicant or permittee is not of good moral character, has been convicted of an offense involving moral turpitude including but not limited to all offenses enumerated in Section 311 of the California Penal Code or proscribed by Sections 220, 262, 266 through 266(i), 267 through 269(b), 273(f), 288, 288(a), 309, 315, 316 or 653(f) of the California Penal Code. (Amended during 1999 recodification; prior code § 6399.603)

5.60.210 Hours.

No permittee shall conduct or operate a picture arcade between the hours of two a.m. and nine a.m. of any day or fail to exclude all customers, patrons and visitors therefrom between those hours. (Prior code § 6399.604)

5.60.220 Supervision.

The permittee or a manager previously fingerprinted and approved by the City Police Department, shall be present on the arcade premises to supervise activities at all times when the establishment is in operation. (Prior code § 6399.605)

5.60.230 Visibility of interior.

No permittee shall maintain any picture arcade unless the entire interior of such premises wherein the pictures are viewed is visible immediately upon entrance to such premises and the entire body of every viewing person is also visible immediately upon entrance to the premises. (Prior code § 6399.606)

5.60.240 Visibility from exterior.

No permittee shall permit conditions to exist wherein any portion of the interior of a picture arcade shall be

visible from the outside of the premises. (Prior code § 6399.607)

5.60.250 Lighting.

The permittee shall maintain a minimum of one-foot candle illumination generally distributed in all parts of the premises at all times when the picture arcade is open or when the public is permitted to enter or remain therein. (Prior code § 6399.608)

5.60.260 Inspections.

No permittee shall permit any doors on the arcade premises to be locked during business hours and shall make every room or area on the arcade premises readily accessible at all times and open to view in its entirety for inspection by any law enforcement officer. (Prior code § 6399.609)

5.60.270 Examination of pictures.

The permittee shall examine the nature and content of the filmed pictures prior to showing or displaying to patrons. (Prior code § 6399.610)

5.60.280 Alcohol or drugs.

No permittee shall permit any person under the influence of alcohol or drugs to be, or remain, on the arcade premises. (Prior code § 6399.611)

5.60.290 Communication devices.

No permittee shall permit communication devices to be installed or used in any manner on the arcade premises so as to interfere or hinder inspection by any Peace Officer. (Prior code § 6399.612)

5.60.300 Minors.

A. No permittee, manager, proprietor or other person in charge of a picture arcade shall allow or permit any persons under the age of eighteen (18) years to be, remain in, enter or visit such premises unless such minor person at all times is accompanied by his or her parent, guardian, or spouse over twenty-one (21) years of age.

B. No person under the age of eighteen (18) years shall remain in, enter or visit any picture arcade unless such minor is accompanied at all times by his or her parent, guardian, or spouse over twenty-one (21) years of age. (Prior code §§ 6399.613, 6399.614)

5.60.310 Posting of regulations.

The permittee shall post and continuously keep posted a copy of this article in a conspicuous place inside the licensed premises at all times. (Prior code § 6399.615)

Chapter 5.64

MOTION PICTURE AND TELEVISION PRODUCTIONS

Sections:

5.64.010	Purpose.
5.64.020	Definitions.
5.64.030	Permit required.
5.64.040	Exemptions.
5.64.050	Application form.
5.64.060	Time for filing application.
5.64.070	Filing fee.
5.64.080	Use of court building (costs).
5.64.090	Public services (costs).
5.64.100	Determination by Chief of Police.
5.64.110	Cost of police, fire protection.
5.64.120	Insurance.
5.64.130	Indemnity.

5.64.010 Purpose.

It is the policy of the city to permit the motion picture and television production industry to utilize the variety of backdrops afforded within the city as locations for filming or videotaping for motion picture and television production so long as the use of locations within the city does not unreasonably interfere with the public health and safety or unreasonably endanger any property. It is the purpose of this chapter to provide for rules and regulations governing the issuance of permits for filming or video taping on location within the city in order to ensure that motion picture and television companies wishing to use locations within the city will not be unduly restricted so long as their activities in this regard are not inconsistent with considerations of the public health and safety and the protection of property. (Prior code § 6901)

5.64.020 Definitions.

For the purpose of this chapter the following words and phrases shall be construed as herein set forth, unless it is apparent from the context that a different meaning is intended:

"News purposes" means the filming or video taping for television news broadcasting by reporters, photographers or cameramen in the employ of a newspaper, news service, or similar entity, of news events concerning those persons, scenes, or occurrences which are in the news and of general public interest. (Prior code §§ 6900, 6900.1)

5.64.030 Permit required.

Except as otherwise provided it is unlawful for any

person to engage in the business or activity of filming, video taping or producing motion pictures on motion picture film or electronic videotaping for public exhibition as motion pictures or for television, at any place within the city, other than at or in an established motion picture or television studio, without a permit from the Chief of Police. (Prior code § 6902)

5.64.040 Exemptions.

The provisions of this chapter shall not apply to:

- A. The filming or videotaping of motion pictures solely for private or family use.
- B. The filming or videotaping of motion pictures for use in a criminal investigation or civil proceeding.
- C. The filming or videotaping or production of motion pictures for news purposes.
- D. The filming or videotaping of motion pictures for noncommercial purposes. (Prior code § 6903)

5.64.050 Application form.

The Chief of Police shall furnish application for such permit. Such forms shall request the following:

- A. Full legal name of applicant;
- B. Business name of applicant (if different);
- C. Business address of applicant;
- D. Business telephone of applicant;
- E. Location(s) of proposed filming or taping;
- F. Date(s) and time(s) of proposed filming or taping;
- G. Security/cleaning bond one thousand dollars (\$1,000.00) posted;
- H. Services of city employees desired or required on location during filming;
- I. Description of the scene(s) to be filmed or taped;
- J. Name of person in charge on location; and
- K. Such other information as the Chief of Police may deem necessary or desirable. (Prior code § 6904)

5.64.060 Time for filing application.

Applications shall be presented to the Chief of Police at least five (5) business days in advance of the time that the proposed filming, taping or production is to commence. (Prior code § 6905)

5.64.070 Filing fee.

Each application shall be accompanied by a non-refundable application and investigation fee in the sum of one hundred dollars (\$100.00) payable to the city. In the event that weather conditions or other circumstances beyond the control of the applicant require that the date(s) or time(s) of the proposed filming or taping be altered, no additional application and investigation fee

shall be required because of such alteration provided reasonable notice of the alteration is given to the Chief of Police. (Prior code § 6906)

5.64.080 Use of court building (costs).

"Court building" refers to the second floor of the structure located at 11301 Valley Boulevard in the city of El Monte. Use of the court building by motion picture and television production companies is subject to approval by the Chief of Police through the permit process. The rental rate for such usage shall be subject to review by the City Administrator except that the minimum fee to be levied for the use of the court building is five hundred dollars (\$500.00) per shooting day and except further that if the user is a nonprofit corporation as defined by State Law in Sections 23701a through 237012 of the Revenue and Taxation Code there shall be no minimum fee. Also, rental rates for the use of the court building by production companies to prepare for filming shall be set at one-half that rate which is set for the rental on days reserved for filming. (Prior code § 6907)

5.64.090 Public services (costs).

Expenses incurred by the Public Services Department shall be reimbursed to the city according to the actual cost of such services. (Prior code § 6908)

5.64.100 Determination by Chief of Police.

Before granting any permit pursuant to this chapter, the Chief of Police shall first determine that such filming or videotaping for motion picture or television production will not unreasonably interfere with the public health and safety or unreasonably endanger any property. In making this determination, the Chief of Police shall take into consideration the noise, traffic hazards, fire hazards and other health and safety problems that are likely to be caused by such activities. (Prior code § 6909)

5.64.110 Cost of police, fire protection.

If the Chief of Police determines that any potential danger to health, safety or property would be eliminated by the presence of police or fire protection at the site of the filming or videotaping for motion picture or television production, the Chief of Police may grant the permit upon condition that the permittee pay in advance to the city the costs of such police or fire protection as may be required. It shall be the policy of the city to have at least one Police Officer on duty on any day of filming. In addition, a representative from the Fire Department will be required if filming is to be done within any building or structure, public or private. (Prior code § 6910)

5.64.120 Insurance.

It shall be a condition of the issuance and continued validity of any permit granted pursuant to this chapter that the permittee first obtain, pay for and maintain a policy of general liability insurance approved as to form by the City Attorney which shall insure the city, its officers and employees against any liability, or claims of liability, brought or made by or on behalf of any person for personal injury or property damage caused by or arising out of any negligent act or omission of either the permittee, his agents or employees, including any officers or employees of the city, or caused by or arising out of the condition of any city-owned or controlled property, whether real or personal, and occurring during the period and as a result of the activities for which such permit was issued. The amount of coverage to be provided by such policy shall not be less than one million dollars (\$1,000,000.00) combined single limit. The permittee may satisfy the requirement imposed by this section through the presentation of a certificate of insurance, for at least the required amount of coverage, which indicates that, by endorsement thereto, the city, its officers and employees have been added as additional insureds. Such certificate shall additionally provide that the required insurance will not be modified, changed or terminated until at least ten (10) days written notice thereof has been transmitted to the Chief of Police. (Prior code § 6911)

5.64.130 Indemnity.

It shall be a condition of the insurance of any permit granted pursuant to this chapter that the permittee shall agree to defend and to hold the city, its officers and employees harmless, from any and all claims and liability of any kind whatsoever resulting from or arising out of the issuance of such permit. (Prior code § 6912)

Chapter 5.68

PAWNBROKERS AND SECONDHAND DEALERS

Sections:

5.68.010	Definitions.
5.68.020	Secondhand dealer—Exemptions.
5.68.030	Permit required.
5.68.040	Permit application.
5.68.050	Permit to offenders prohibited.
5.68.060	Renewal of revoked permit.
5.68.070	Required reports—Pawnbrokers.
5.68.080	Required reports—Secondhand dealers.
5.68.090	Business machine dealer reports.
5.68.100	Posting of regulations.
5.68.110	Language of required reports.
5.68.120	Report confidential—Filing.
5.68.130	Enforcement.
5.68.140	Waiting period.
5.68.150	Separate businesses.

5.68.010 Definitions.

For the purpose of this chapter the following words and phrases shall be construed as herein set forth, unless it is apparent from the context that a different meaning is intended:

"Pawnbroker" means any person operating the business of loaning money on the security of personal property pledged in his or its keeping, or of purchasing personal property, and agreeing at or before the time of purchase to resell the same to the vendor at a stipulated price. A "pawnshop" is any room, store, or place in which the business of pawnbroker is conducted.

"Secondhand dealer" means and includes any person, copartnership, firm or corporation whose principal business is primarily that of engaging in buying, selling, trading, taking in pawn, accepting for sale on consignment, accepting for auctioning or auctioning secondhand tangible personal property. Secondhand dealer also includes any person who engages in the business of buying or selling secondhand tangible personal property in excess of twenty (20) percent of the gross sale and purchases of goods or merchandise sold or purchased in the regular course of business. Secondhand dealer, as used in this chapter, does not include any person who performs the services of an auctioneer for a fee or salary.

"Tangible personal property" means and includes, but is not limited to, all secondhand tangible personal property which bears a serial number or personalized initials or inscription or which, at the time it is acquired by the

secondhand dealer, bears evidence of having had a serial number of personalized initials or inscriptions. Tangible personal property also includes, but is not limited to, the following:

1. All tangible personal property, new or used, received in pledge as security for a loan by a pawnbroker or a secondhand dealer acting as a pawnbroker;

2. All tangible personal property that bears a serial number or personalized initials or inscription which is purchased by a secondhand dealer or a pawnbroker or which, at the time of such purchase, bears evidence of having had a serial number or personalized initials or inscription; and

3. All personal property commonly sold by secondhand dealers which statistically is found through crime reports so the California Attorney General so constitute a significant class of stolen goods as is determined and supplied to the Chief of Police by the California Attorney General. Tangible personal property as used in this chapter does not mean and include any new goods or merchandise purchased from a bona fide manufacturer or distributor or wholesaler of such new goods or merchandise by a secondhand dealer. For the purpose of the chapter, however, a secondhand dealer shall retain for one year from the date of purchase, and shall make available for inspection by any law enforcement officer, any receipt, invoice, bill of sale or other evidence of purchase of such new goods or merchandise. (Prior code §§ 6310—6310.2, 6310.4)

5.68.020 Secondhand dealer—Exemptions.

The provisions of this chapter shall not apply to:

- A. The receipt or sale of any secondhand goods, wares or merchandise by any person who receives the same as part payment on new goods, wares or merchandise, if such person is the authorized representative or agent of the manufacturer, jobber or distributor;

- B. Junk and/or salvage dealers or automobile junk dealers;

- C. Any religious, charitable, fraternal, educational organization or association, which as part of its activities operates as a secondhand dealer solely for the purpose and objectives for which such organization or association was formed and from which secondhand dealership the net gain, monetary or otherwise, is used only for the purposes and objectives for which such organization or association was formed;

- D. Used car dealers unless a used car dealer receives or accepts anything of value other than cash or another used vehicle as a down payment, part payment or full payment on, of, or for the sale of a used vehicle. In the event that any used car dealer accepts or advertises or

holds himself or herself out as willing to accept anything of value other than cash or another used vehicle as a down payment, part payment or full payment on, of or for any used vehicle sold by him or her, such used car dealer shall conclusively be presumed, held and construed to be a secondhand dealer for all purposes and subject to all the regulations of this chapter and the license fee imposed by Section 5.08.360 of this title;

E. Tangible personal property which has been:

1. Acquired in good faith in a transaction involving the stock in trade of another secondhand dealer who previously has made the report or reports required by this chapter of such property included in the transaction and who states in writing that the report or reports so required have been made, provided the acquiring secondhand dealer submits a copy of such statement to the Chief of Police, on forms prescribed and provided by the Department of Justice for all tangible personal property which he or she acquired in such transaction. Each of the secondhand dealers involved in the transaction shall retain a copy of the statement and the report referred to in this section for a period of three (3) years as a matter of record which shall be made available for inspection by any law enforcement officer,

a. No report to the Chief of Police shall be required of the acquiring secondhand dealer if the other secondhand dealer states in writing under penalty of perjury, on a form prescribed and provided at actual cost by the Department of Justice, that the report or reports required by this chapter have been properly made and submitted by such dealer. Such a declaration shall be delivered to the acquiring dealer, who shall retain it for a period of three (3) years as a matter of record, and shall make it available for inspection by any law enforcement officer,

2. Acquired in a nonjudicial sale, transfer, assignment, assignment for the benefit of creditors, or consignment of the assets or stock in trade, in bulk, or a substantial part thereof, or an industrial or commercial enterprise for purposes of voluntary dissolution or liquidation of the seller's business, or for the purpose of disposing of an excessive quantity of personal property; or which has been acquired in a nonjudicial sale or transfer from an owner of his or her entire household of personal property, or a substantial part thereof; provided, the secondhand dealer retains in his or her place of business for a period of three (3) years a copy of the bill of sale, receipt, inventory list, or other transfer document as a matter of record which shall be made available for inspection by any law enforcement officer; and provided further, that the secondhand dealer notifies the Chief of Police that exemption from reporting is being claimed under this section, do not include a secondhand dealer,

3. Acquired in a sale made by any public officer in his or her official capacity, trustee in bankruptcy, executor, administrator, receiver, or public official acting under judicial process or authority, or which has been acquired in a sale made upon the execution of, or by virtue of, any process issued by a court, or under the provisions of the California Commercial Code,

4. Acquired as the surplus property of the United States government or of a state, city, county, city and county, municipal corporation, or public district and which after requisition or acquisition by the United States government or by a state, city, county, city and county, municipal corporation, or public district has never thereafter been sold at retail, and

5. Reported by a secondhand dealer as an acquisition or a purchase, or which has been reported as destroyed or otherwise disposed of (1) to a state agency by the authority of any other law of this state or (2) to a city, county, city and county, officer or agency by the authority of any other law of this state or a city, county, or city and county ordinance.

Notwithstanding the aforementioned exemptions, the provisions of this chapter shall apply to any tangible personal property which has been acquired by a secondhand dealer with the understanding or expectation that such property would later be reacquired by the transferor or an agent thereof. (Prior code § 6310.3)

5.68.030 Permit required.

No person shall carry on the business of pawnbroker or secondhand dealer without having first obtained a permit from the city so to do in the manner herein provided, which permit shall be posted and maintained in a conspicuous place on the premises where such business is conducted. (Prior code § 6311)

5.68.040 Permit application.

A. In addition to all requirements specified in or imposed under Chapter 5.12 of this title, the application for a permit for any business or occupation described in this chapter shall contain a statement as to whether or not an application for a similar permit has been refused or any similar permit canceled by this city or by any other agency of government, and if so, a full statement of the reasons for such refusal or cancellation.

B. Execution. All applications for a permit must be filed by the applicant and, if the applicant is a corporation or partnership, the same must be signed by a duly authorized officer on behalf of the corporation, or any member of the partnership. (Prior code §§ 6312, 6312.1)

5.68.050 Permit to offenders prohibited.

A permit to carry on any business mentioned in this chapter shall not be granted to any person who has failed, refused, or neglected to comply with the laws and ordinances relating to and regulating the business for which such permit is sought. (Prior code § 6313)

5.68.060 Renewal of revoked permit.

If the permit or license of any person to engage in or conduct any business described in this chapter is revoked, no permit or license shall be granted to such person to carry on or engage in any such business within twelve (12) months after the date of such revocation. (Prior code § 6316)

5.68.070 Required reports—Pawnbrokers.

Every pawnbroker shall daily file with or mail to the Chief of Police all reports required by Section 21208 of the California Financial Code on forms prescribed and provided at actual cost by the Department of Justice. (Prior code § 6318)

5.68.080 Required reports—Secondhand dealers.

Every secondhand dealer shall report daily, or on the first working day after receipt or purchase of such property, on forms prescribed and provided at actual cost by the Department of Justice, all tangible personal property which he or she has purchased, taken in trade, taken in pawn, accepted for sale on consignment or accepted for auctioning, by forwarding the original and the duplicate copy thereof to the Chief of Police. The triplicate copy thereof shall be retained by the secondhand dealer in his place of business for a period of three (3) years and shall be made available for inspection by any law enforcement officer. The report shall include, but not be limited to, the following information:

A. The name and address of the intended seller of the property;

B. A complete and reasonably accurate description of such property, including serial numbers or other identifying marks or symbols;

C. A certification by the intended seller that to his or her knowledge and belief the information is true and complete; and

D. All other information provided for on forms prescribed and provided by the Department of Justice. (Prior code § 6318.1)

5.68.090 Business machine dealer reports.

Every business machine dealer shall report all used

business machines which he or she has purchased, repaired, taken in trade, or accepted for sale or consignment, from an individual, to the Chief of Police in accordance with the provisions of Section 5.68.080. No report of repair shall be required from a dealer servicing or repairing a machine in the possession of the owner to whom that dealer sold that machine when it was new. As used in this section, the term "business machines" means and includes, but is not limited to, typewriters, adding machines, check-writing devices, cash registers, calculators, addressing machines, copying and accounting equipment, letter-sorting and folding devices, and recording equipment, but does not include office furniture or fixtures. (Prior code § 6318.1.1)

5.68.100 Posting of regulations.

A copy of this chapter, to be furnished by the City Clerk, shall be kept conspicuously posted in the place of business of every pawnbroker or secondhand dealer. (Prior code § 6318.2)

5.68.110 Language of required reports.

Every report and record required by the terms of this chapter to be filed or kept shall be written or printed in the English language in a clear and legible manner. (Prior code § 6320)

5.68.120 Report confidential—Filing.

The Chief of Police upon receipt of a form filed pursuant to the provisions of this chapter shall cause the original to be submitted daily to the Department of Justice. The Chief of Police shall cause the duplicate copy of all such reports to be filed in the office of the Police Department and the same shall be open to inspection only by members of the Police Department or upon order of a court of competent jurisdiction. (Prior code § 6321)

5.68.130 Enforcement.

No person engaged in the business of pawnbroker or secondhand dealer, or any agent or employee of any such person, shall fail, refuse or neglect to file any report in accordance with the provisions of this chapter, or fail, refuse or neglect to keep any record or records as required by this chapter, or fail, refuse or neglect to exhibit to any Police Officer of the city, immediately upon demand for such inspection, any such record of any goods or things pledged to or purchased or received by such person. (Prior code § 6322)

5.68.140 Waiting period.

Every secondhand dealer shall retain in his or her

possession for a period of thirty (30) days all tangible personal property reported under the provisions of Sections 5.68.080 and 5.68.090. The thirty (30) day holding period with respect to such tangible personal property shall commence with the date the report of its acquisition was made to the Chief of Police by the secondhand dealer. The Chief of Police may for good cause, as specified by the Department of Justice, authorize prior disposition of any such property described in a specific report, provided that a secondhand dealer who disposes of tangible personal property pursuant to such authorization shall report the sale thereof to the Chief of Police. (Prior code § 6323)

5.68.150 Separate businesses.

If any person shall carry on, at the same time, more than one of the businesses defined and referred to in this chapter, such person shall be deemed to be carrying on each such business separate and apart from the other such business. (Prior code § 6324)

Chapter 5.72

PEDDLERS, SOLICITORS AND ITINERANT VENDORS

Sections:

5.72.010	Definitions.
5.72.020	Permit required.
5.72.030	Pushcarts prohibited.
5.72.040	Trespassing prohibited.
5.72.050	Itinerant vendor regulations.
5.72.060	Restricted area.
5.72.070	Impounding, storing or confiscating property.

5.72.010 Definitions.

For the purpose of this chapter the following words and phrases shall be construed as herein set forth, unless it is apparent from the context that a different meaning is intended:

"Itinerant vendor" means as defined in Section 5.04.010 of this title.

"Mobile vendor" means any person who conducts business by means of any motorized vehicle licensed for street use by the state, including but not limited to a catering truck, ice-cream truck, lunch wagon, cycle, motorized cart, or any other similar means or device by whatever name, on which or from which goods, wares, merchandise, food, food products or beverages are displayed, vended, dispensed or sold at retail to the public for the personal use, enjoyment and/or consumption of the purchaser, regardless of whatever or not said business maintains a fixed place of business or fixed business establishment within or outside the city.

The term shall include business by vehicle as is defined in Section 5.04.010 of this title except when said business by vehicle is the delivery of goods purchased by retail merchants in the city at wholesale prices and delivered to said merchants in said city for resale by them for use or consumption by the public, or is the sale of a product to a fixed business establishment where such products is intended for use in the conduct of said fixed business establishment.

The term shall not apply to the pick-up from or delivery to assembly or manufacturing plants located within the city and licensed to do business under the provisions of this Article, of goods, wares or material used in the assembly or manufacture of articles for sale to or consumption by the public or public agencies.

"Peddler" means any person who conducts business by peddling as defined in Section 5.04.010 of this title.

"Pushcart" means any mobile device that is pushed, pulled, carried or otherwise propelled from place to place by any means other than as a motor vehicle licensed for street use by the state on which or from which any goods, wares, merchandise, food, food products or beverages are displayed, vended, dispensed or sold at retail to the public for the personal use, enjoyment and/or consumption of the purchaser.

"Solicitor" means any person who conducts business by soliciting as defined in Section 5.04.010 of this title. (Prior code §§ 6301—6301.5)

5.72.020 Permit required.

No person shall conduct any business as defined in this chapter without first having obtained a permit from the city to do so pursuant to the provisions of this chapter. Only one permit is required for each licensed business regardless of the number of vehicles or employees utilized by the licensed business. (Prior code § 6302)

5.72.030 Pushcarts prohibited.

A. No person shall vend or sell any product of any kind on any street, sidewalk, park, other public property or on any privately owned parking lot open to the public in the city from a pushcart as defined in Section 5.72.010.

B. Exception. The provisions of this section shall not apply when the selling or vending of products from a pushcart occurs entirely on the private property of a fixed place of business in the city provided that such vending or selling does not take place in the parking lot area of such business open to the public or in an area of such business that is directly visible and immediately accessible from a public street, sidewalk, other public property or privately owned parking lot open to the public.

1. Nothing in this section exempts any person conducting business on private property from a pushcart from having to first obtain a business license from the city pursuant to Section 5.04.040 of this title when such person is the merchant or a regular employee of such business whereat such vending or selling takes place and such person is conducting such vending or selling as a regular part of the conduct of such business.

2. The provisions of this section shall not apply when the selling or vending of products is conducted from a non-mobile display stand by a person licensed as an itinerant vendor as defined in Section 5.04.010 of this title or when the selling or vending is conducted by a merchant or regular employee of a merchant who is licensed to conduct business either as a circus, carnival, sideshow or medicine show pursuant to either Sections

5.08.130 or 5.08.250 of this title and who also possesses a permit for such business pursuant to Section 5.12.060 of this title provided that such selling or vending is conducted in conjunction with the conduct of such business. (Prior code §§ 6303—6303.2)

5.72.040 Trespassing prohibited.

No person engaged in any business or occupation for which a permit is required by this chapter shall enter into any private premises against the will or consent of the owner or occupant thereof or trespass upon any private premises or to refuse to leave any private premises when requested so to do by the owner or person in lawful possession thereof. (Prior code § 6306)

5.72.050 Itinerant vendor regulations.

No itinerant vendor shall place or display upon any public street or right-of-way any merchandise sold or offered for sale by him or her. No itinerant vendor shall distribute, pass out, give away, hand out, sell, offer for sale or solicit the sale of any type of merchandise on or from that portion of any street in the city customarily travelled by motor vehicles, or to any person in a vehicle in or upon a public street unless such vehicle is lawfully parked thereon, or in violation of any other provision of this code. No itinerant vendor shall place or display any merchandise, containers or other equipment upon any property comprising any portion of the parking required for another business. (Prior code § 6306.1)

5.72.060 Restricted area.

No street vendor, including but not limited to any mobile vendor, itinerant vendor, peddler or solicitor, shall conduct any business within the boundaries of the parking and business improvement area, business license area as such area is delineated in Section 12.24.020 of this code. (Prior code § 6309)

5.72.070 Impounding, storing or confiscating property.

Any Code Enforcement Officer or Police Officer of the city is authorized and empowered to impound, store or confiscate any property, item, or material sold, offered for sale or possessed by any person in violation of this chapter for evidence. Any property, item, or material impounded, stored, or confiscated shall be handled and disposed of in accordance with all other city and state laws governing the same. (Added during 1999 recodification)

Chapter 5.76**POOL AND BILLIARD HALLS****Sections:**

- | | |
|-----------------|-------------------------------|
| 5.76.010 | Definitions. |
| 5.76.020 | Minors prohibited. |
| 5.76.030 | Sign posting required. |

5.76.010 Definitions.

As used in this chapter:

"Pool and billiard table" means every table or device designed, intended or used for the playing of pool, bank pool, snooker, billiards or any similar game regardless of its size and irrespective of whether or not the same be coin-operated.

"Public billiard hall" or "pool room for let or hire" means and includes every room, enclosure or portion of any building containing one or more billiard tables, pool tables, snooker tables, bank pool tables, or any similar table or device by whatever name known, any of which tables or similar devices are available for use by the public upon the payment of anything of value or upon the making of any purchase. (Prior code §§ 6399.101, 6399.101.1)

5.76.020 Minors prohibited.

A. No person under the age of eighteen (18) years shall enter or remain in any public billiard hall or pool room for let or hire.

B. Exception. Subsection A of this section shall not apply to a public billiard hall or pool room which is a part of a recreational center or establishment within the same building and under the same management during such times as an adult in charge of such recreational center or establishment is on the premises, a valid permit from the city for the operation of such recreational center or establishment is in effect, and the sale, dispensing and consumption of alcoholic beverage is prohibited within such billiard hall or pool room. (Prior code §§ 6399.102, 6399.102.1)

5.76.030 Sign posting required.

Every manager and proprietor of a public billiard hall or pool room for let or hire shall obtain notice at the entrance thereof that persons under the age of eighteen (18) years are prohibited from entering the same, and no manager, proprietor or person in charge of any public billiard hall or pool room for let or hire shall allow any person under eighteen (18) years of age to enter or remain in any public billiard hall or pool room for let or hire. (Prior code § 6399.103)

Chapter 5.80**RENTAL DWELLING USE TAX****Sections:**

- 5.80.010** **Definitions.**
- 5.80.020** **Rental dwelling unit tax.**
- 5.80.030** **Rental dwelling unit landlord notification to city.**
- 5.80.040** **Rental dwelling unit tax exemptions or reductions for certain landlords.**
- 5.80.050** **Dwelling unit tax payable on dwelling unit locations improved with three or fewer dwelling units.**

5.80.010 **Definitions.**

For purposes of this chapter, certain terms shall have the meanings as described below:

"Dwelling unit" has the same meaning as found at Chapter 17.04 of this code and the term shall include a motel unit or any other dwelling unit occupied on a transient basis and any other residential occupancy subject to a tax as levied under Section 13 of Ordinance No. 2357.

"Dwelling unit location" means the legal parcel of land owned by the landlord on which one or more dwelling units are situated.

"Landlord" means the individual, partnership, tenancy in common, corporation or other ownership entity which owns a fee title interest in a legal parcel of land on which one or more dwelling units (or mobilehome spaces) are situated and rented by the landlord to third persons or reserved for rental occupancy by the landlord for third persons.

"Mobilehome park" shall have the same meaning as found in the Mobilehome Residency Law of the Civil Code.

"Mobilehome space" shall have the same meaning as found in the Mobilehome Residency Law of the Civil Code.

"Rent" means the payment of cash or other valuable consideration on a periodic basis to the landlord by the occupant of a dwelling unit. (Prior code § 6208.2 (part))

5.80.020 **Rental dwelling unit tax.**

A. Except as otherwise provided in Section 5.80.030, the landlord of each dwelling unit shall pay a license tax each year calculated as follows:

1. Fifty dollars (\$50.00) per dwelling unit location per year; plus

2. Twenty dollars (\$20.00) per dwelling unit at the dwelling unit location per year.

B. The landlord of each mobilehome park shall pay a license tax each year calculated as follows:

1. Thirty dollars (\$30.00) per mobilehome park location per year; plus
2. Ten dollars (\$10.00) per mobilehome space at the mobilehome park location per year. (Prior code § 6208.2 (part))

5.80.030 **Rental dwelling unit landlord notification to city.**

Concurrently upon submission of application materials for issuance of a business license, each landlord shall provide the City License Department with its business address and telephone number. In the case of a landlord organized as a partnership, the business address and telephone number of the general partner(s) shall be provided to the City License Department. In the case of a landlord organized as a trust, or a corporation, the business address and telephone of its officers shall be provided to the City License Department. The landlord shall also provide the City License Department with the name, address and telephone number of the person who is responsible for the day to day management, maintenance and care of the dwelling unit(s) or mobilehome spaces, as applicable, at each dwelling unit location. In addition, each landlord shall provide to the City License Department at the time that an application for the business license is submitted the name of the person as authorized by the landlord as the proper person to receive service of process along with that person's business address and telephone number. Any change in the information as required by this section shall be reported in writing to the City Licensing Department within ten (10) days from the date on which the change is proposed by the landlord to be effective. (Prior code § 6208.3)

5.80.040 **Rental dwelling unit tax exemptions or reductions for certain landlords.**

A. Certain landlords are exempt from the rental dwelling unit tax as levied each year under Section 5.80.020A as follows:

1. Each landlord who owns no more than one dwelling unit location which has been improved with (2) dwelling units shall be exempt provided that a landlord who is eligible to claim the exemption by subsection (A)(1) of this section shall occupy one of the two (2) dwelling units at the dwelling unit location as the principal residence of the landlord;

2. Each landlord who owns no more than one dwelling unit location which has been improved with

three (3) or less dwelling units shall be exempt provided that a landlord who is eligible to claim the exemption authorized by subsection (A)(2) of this section, shall as of the commencement of each calendar year either qualify as a person who is a member of a "lower income household," as defined under Health and Safety Code Section 50079.5, or shall be a blind or disabled person and be a recipient of Supplemental Social Security Income under Title XVI of the Social Security Act, as amended.

B. Certain landlords are eligible as provided in subsection B of this section for a reduction in the rental dwelling unit tax as payable under subsection (A)(1) of this section each year under the following circumstances:

1. Each landlord who owns two (2) or more separate dwelling unit locations which have been improved with three (3) or fewer dwelling units at each separate dwelling unit location shall pay no more than an aggregate of seventy-five dollars (\$75.00) per year under subsection (A)(1) of this section for all dwelling unit locations as improved with three (3) or fewer dwelling units owned by the landlord in the city. Such landlord shall also pay all amounts due under subsection (A)(2) of this section for each dwelling unit at the dwelling unit locations.

C. The Director of Finance shall prepare appropriate written forms and procedures as necessary for the administration of the rental dwelling unit tax exemptions and reductions as authorized by this section. (Prior code § 6208.4)

5.80.050 Dwelling unit tax payable on dwelling unit locations improved with three or fewer dwelling units.

A landlord who owns a dwelling unit location as improved with three (3) or fewer dwelling units shall pay the rental dwelling unit tax as levied by Section 5.80.020A, subject to the exemptions and reductions, if applicable, under Section 5.80.040, each year on a city fiscal year basis from July 1st to June 30th of the following calendar year. (Amended during 1999 recodification; prior code § 6208.6)

Chapter 5.84**TIP SHEET SALES****Sections:**

- 5.84.010 **Tip sheets.**
 5.84.020 **Tip sheet sales—Location.**
 5.84.030 **Tip sheets—Filing and hours of sale.**

5.84.010 Tip sheets.

A. Every person engaged in the business or practice of disseminating, distributing, handing out, selling, offering for sale, or soliciting for the sale of any sheet, dodger, handbills, circulator letter, booklet, or any other written material of any kind pertaining to any horse race, choice of a horse or horses, recommending any horse or horses or giving or conveying any purported information about any horse or race or contest of endurance or speed between horses, whether at a fixed place of business within the city or otherwise shall pay a license tax of one thousand dollars (\$1,000.00) for each fiscal year or portion thereof. Such license shall entitle the licensee to disseminate such aforesaid materials through not more than two (2) persons during any one day, provided however, that no person shall be entitled to act for or on behalf of any such licensee until such licensee has filed with the Chief of Police the name, address, fingerprints and photograph of the person(s) so authorized by such licensee to act; and provided further that the license issued under this section shall permit the dissemination of the aforesaid materials in not more than two (2) types of format and under not more than two (2) trade names throughout the entire period of such license period.

B. Exception. The provisions of subsection A of this section shall not prohibit, or require a license or payment of a fee for the sale, distribution or delivery of newspapers of general circulation as defined by Section 6000 of the California Government Code, nor shall said section apply within any racing enclosure duly licensed by the state to conduct horse racing under and in accordance with the laws of said state relating to such matter; nor to sales of such materials or items made by a merchant duly licensed by the city, provided such sales are made only inside a building in which his or her licensed business is conducted. (Prior code §§ 6205.1, 6205.2)

5.84.020 Tip sheet sales—Location.

No person shall, in doing any act for which a license has been issued under Section 5.84.010A, interfere with or cause interference with the normal flow of traffic upon the city streets. For the purpose of preventing congestion

of traffic upon the public street of the city, the location occupied by each person in the conduct of any business licensed under Section 5.84.010A, whether such location be on public or on private property, shall be subject to the approval of the Permit Committee. No person shall disseminate, distribute, pass out, give away, hand out, sell, offer for sale, or solicit the sale of any of said material on or from that portion of any street in the city customarily traveled by motor vehicles, or in violation of any other provision of this code. (Prior code § 6307)

5.84.030 Tip sheets—Filing and hours of sale.

No person shall sell, solicit for the sale of, or offer to sell any materials described in Section 5.84.010A and for which a license is thereby required, on any day unless a true copy of such material has been filed in the office of the Chief of Police at or before eleven a.m. of said day. No person shall disseminate, distribute, pass out, give away, hand out, sell, offer for sale, or solicit for the sale of any such material after three p.m. on any day or before nine a.m. on any day. (Prior code § 6308)

Chapter 5.88**TAXICABS****Sections:**

5.88.010	Definitions.
5.88.020	Permit and application.
5.88.030	Public convenience and necessity required for permit issuance.
5.88.040	License fee.
5.88.050	Vehicle stand.

5.88.010 Definitions.

For the purpose of this chapter the following words and phrases shall be construed as herein set forth, unless it is apparent from the context that a different meaning is intended:

"Driver" or "chauffeur" means and includes every person in charge of or operating any for-hire vehicles, either as agent, employee, or otherwise, under the direction of the owner, as herein defined.

"Owner" means and includes every person having use or control of, or right to use or control any for-hire vehicles under ownership, lease or otherwise. (Amended during 1999 recodification; prior code §§ 6355—6355.2)

5.88.020 Permit and application.

A. No owner shall conduct or engage in the business of operating for-hire vehicles without having first obtained a permit from the city pursuant to Chapter 5.12 of this title. In addition to the requirements specified in or imposed under Chapter 5.12 of this title, each application for any such permit shall state the name and residence address of each and every person interested in the ownership, operation or control of any vehicles for which such permit is desired, together with the number of each such vehicle, the make thereof, its capacity and the address of the place of business of such applicant. Also said application shall contain the name, color scheme, insignia or other design to be used upon any such vehicle.

B. The holder of an owner's permit may substitute one automobile in the place and stead of each licensed automobile, the use of which has been discontinued, by making application to do so and securing the approval of the Permit Committee. Before granting such approval the applicant shall fully comply with the provisions of subsection A of this section and the required liability insurance. For each substitution such permit holder shall pay to the city a fee of five dollars (\$5.00).

C. Insurance shall be provided which names the city as an additional insured in accordance with Section 3.24.160 of this code. (Prior code §§ 6356—6357)

5.88.030 Public convenience and necessity required for permit issuance.

No permit shall be granted to any person to engage in the business of operating any of the above mentioned vehicles, until it has been shown that public convenience and necessity require the operation of such vehicles; provided, that no permit shall be issued to any person whose color scheme, name, monogram or insignia to be used on such cars shall be in conflict with or in the opinion of the Council, imitate any other color scheme, monogram, name or insignia used by another concern in such manner as to be mislead or tend to deceive or defraud the public. And no permittee shall use or employ on his or her cars more than two (2) different color schemes, or any color scheme different or other than described in the application for a permit. (Prior code § 6358)

5.88.040 License fee.

The permits herein mentioned shall entitle the holder thereof to obtain a license to engage in the business described in said permit from the License Collector upon payment in advance of the license fee prescribed in Section 5.08.410 of this code and said city License Collector shall issue to the holder of such permit a license setting forth the kind of transportation for which such license is issued and the period for which the same shall be effective. A copy of such permit shall be filed with the License Collector. (Prior code § 6359)

5.88.050 Vehicle stand.

No person granted a permit as provided herein shall maintain a stand for any vehicle for which a permit is issued upon any street, without the permittee having first obtained in writing permission from the Council, and the owner or lessee or other person in charge of the property in the front of which such stand is maintained. (Prior code § 6360)

Chapter 5.92

TRANSPORTATION DEMAND MANAGEMENT
PROGRAM

Sections:

5.92.010	Definitions.
5.92.020	Transportation demand and trip reduction measures.
5.92.030	Monitoring.
5.92.040	Enforcement.

5.92.010 Definitions.

The following words or phrases shall have the following meanings when used in this chapter:

"Alternative transportation" means the use of modes of transportation other than the single passenger motor vehicle, including but not limited to carpools, vanpools, buspools, public transit, walking and bicycle.

"Applicable development" means any development project that is determined to meet or exceed the project size threshold criteria contained in Section 5.92.030.

"Buspool" means a vehicle carrying sixteen (16) or more passengers commuting on a regular basis to and from work with a fixed route, according to a fixed schedule.

"Carpool" means a vehicle carrying two (2) to six (6) persons commuting together to and from work on a regular basis.

"California Environmental Quality Act (CEQA)" means California Public Resources Code Section 21000—21177 and corresponding "State CEQA Guidelines" for implementation.

"Developer" means the builder who is responsible for the planning, design and/or construction of an applicable development project. A developer may be responsible for implementing the provisions of this chapter as determined by the property owner.

"Development" means the construction or addition of new building square footage. Additions to buildings which existed prior to the effective date of the ordinance codified in this chapter and which exceed the thresholds defined in Section 5.92.030 shall comply with the applicable requirements but shall not be added cumulatively with existing square footage; existing square footage shall be exempt from these requirements. All calculations shall be based on gross square footage.

"Employee parking area" means the portion of total required parking at a development used by on-site employees. Unless otherwise specified employee parking shall be calculated as follows:

Type of Use	Percent of Total Required Parking Devoted to Employees
Commercial	30
Office/professional	85
Industrial/manufacturing	90

"Preferential parking" means parking spaces designated or assigned, through use of a sign or painted space markings for carpool and vanpool vehicles carrying commute passengers on a regular basis that are provided in a location more convenient to a place of employment than parking spaces provided for single occupant vehicles.

"Property owner" means the legal owner of a development who may also serve as the lessor to a tenant. The property owner shall be responsible for complying with the provisions of this chapter either directly or by delegating such responsibility as appropriate to a tenant and/or agent.

"South Coast Air Quality Management District" (SCAQMD) is the regional authority appointed by the California State Legislature to meet federal standards and otherwise improve air quality in the South Coast Air Basin (the nondesert portions of Los Angeles, Orange, Riverside and San Bernardino Counties).

"Tenant" means the lessee occupying or using floor space at an applicable development project.

"Transportation demand management (TDM)" means the alteration of travel behavior—usually on the part of commuters—through programs of incentives, services, and policies. TDM addresses alternatives to single occupant vehicles such as carpooling and vanpooling and changes in work schedules that move trips out of the peak period or eliminate them altogether (as is the case in telecommuting or compressed work weeks).

"Trip reduction" means reduction in the number of work-related trips made by single occupant vehicles.

"Vanpool" means a vehicle carrying seven or more persons commuting together to and from work on a regular basis, usually in a vehicle with a seating arrangement designed to carry seven (7) to fifteen (15) adult passengers, and on a prepaid subscription basis.

"Vehicle" means any motorized form of transportation, including but not limited to automobiles, vans, buses and motorcycles. (Ord. 2373 § 1, 1993)

5.92.020 Transportation demand and trip
reduction measures.

A. Applicability of Requirements.

1. Prior to approval of any development project, the applicant shall make provisions for, as a minimum, all of

the following applicable transportation demand management and trip reduction measures.

2. This chapter shall not apply to projects for which a development application has been deemed "complete" by the city pursuant to Government Code Section 65943, or for which a notice of preparation for a draft environmental impact report has been circulated or for which an application for a building permit has been received, prior to the effective date of the ordinance codified in this chapter.

3. All facilities and improvements constructed or otherwise required shall be maintained in a state of good repair.

B. Development Standards.

1. Nonresidential development of twenty-five thousand (25,000) square feet or more shall provide the following to the satisfaction of the city:

a. A bulletin board, display case, or kiosk displaying transportation information located where the greatest number of employees are likely to see it. Information in the area shall include, but is not limited to, the following:

i. Current maps, routes and schedules for public transit routes serving the site;

ii. Telephone numbers for referrals on transportation information including numbers for the regional ridesharing agency and local transit operators;

iii. Ridesharing promotional material supplied by commuter-oriented organizations;

iv. Bicycle route and facility information, including regional/local bicycle maps and bicycle safety information;

v. A listing of facilities available for carpoolers, vanpoolers, bicyclists, transit riders and pedestrians at the site.

2. Nonresidential development of fifty thousand (50,000) square feet or more shall comply with subsection (B)(1) of this section and shall provide all of the following measures to the satisfaction of the city:

a. Not less than ten (10) percent of employee parking area, shall be located as close as is practical to the employee entrance(s), and shall be reserved for use by potential carpool/vanpool vehicles, without displacing handicapped and customer parking needs. This preferential carpool/vanpool parking area shall be identified on the site plan upon application for building permit, to the satisfaction of city. A statement that preferential carpool/vanpool spaces for employees are available and a description of the method for obtaining such spaces must be included on the required transportation information board. Spaces will be signed/stripped as demand warrants; provided that at all times at least one space for projects of fifty thousand (50,000) square feet to one

hundred thousand (100,000) square feet and two spaces for projects over one hundred thousand (100,000) square feet will be signed/stripped for carpool/vanpool vehicles.

b. Preferential parking spaces reserved for vanpools must be accessible to vanpool vehicles. When located within a parking structure, a minimum vertical interior clearance of seven (7) feet two (2) inches shall be provided for those spaces and accessways to be used by such vehicles. Adequate turning radii and parking space dimensions shall also be included in vanpool parking areas.

c. Bicycle racks or other secure bicycle parking shall be provided to accommodate four (4) bicycles per the first 50,000 square feet of nonresidential development and one bicycle per each additional fifty thousand (50,000) square feet of nonresidential development. Calculations which result in a fraction of 0.5 or higher shall be rounded up to the nearest whole number. A bicycle parking facility may also be a fully enclosed space or locker accessible only to the owner or operator of the bicycle, which protects the bike from inclement weather. Specific facilities and location (e.g., provision of racks, lockers, or locked room) shall be to the satisfaction of the city.

3. Nonresidential development of one hundred thousand (100,000) square feet or more shall comply with subsections (B)(1) and (B)(2) of this section, and shall provide all of the following measures to the satisfaction of city:

a. A safe and convenient zone in which vanpool and carpool vehicles may deliver or board their passengers;

b. Sidewalks or other designated pathways following direct and safe routes from the external pedestrian circulation system to each building in the development;

c. If determined necessary by the city to mitigate the project impact, bus stop improvements must be provided. The city will consult with the local bus service providers in determining appropriate improvements. When locating bus stops and/or planning building entrances, entrances must be designed to provide safe and efficient access to nearby transit stations/stops;

d. Safe and convenient access from the external circulation system to bicycle parking facilities on-site. (Ord. 2373 § 2, 1993)

5.92.030 Monitoring.

The city shall monitor effected development projects for compliance with the applicable provisions contained in this chapter, as a part of the site inspection provisions during the certificate of occupancy procedure as described in Chapter 17.16 of this code. (Amended during 1999 recodification; Ord. 2373 § 3, 1993)

5.92.040

5.92.040 Enforcement.

Enforcement of the provisions contained in this chapter shall be the responsibility of the Department of Community Development. The remedies for noncompliance shall be similar to those contained in Section 2.52.050 of the El Monte Municipal Code. (Ord. 2373 § 4, 1993)

Chapter 5.96

MISCELLANEOUS BUSINESS PERMITS

Sections:

5.96.010	Arcades.
5.96.020	Circuses, carnivals and sideshows.
5.96.030	Kennels.
5.96.040	Motels and hotels.
5.96.050	Noncommercial car washes.
5.96.060	Office trailers.
5.96.065	Computer gaming or internet access centers.
5.96.070	Tanning businesses.
5.96.080	Used car dealers.
5.96.090	Spiritual specialty shops.

5.96.010 Arcades.

A. Permit Required. No person shall own, operate, manage, conduct or maintain an arcade as defined by Chapter 17.04 of this code without having first obtained a permit pursuant to Chapter 5.12 of this title, nor at any time when a permit thus obtained is not in full force and effect, nor in violation of any term or condition of a permit thus obtained.

B. Application Procedures. In addition to the provisions of Chapter 5.12 of this title, the applicant shall provide a three hundred (300) foot radius property ownership list as required in Section 17.20.180 of this code and the Secretary of the Permit Committee shall notify all such property owners of all Permit Committee hearings not less than ten (10) days prior to the hearing date. (Amended during 1999 recodification; prior code §§ 6399.901, 6399.902)

5.96.020 Circuses, carnivals and sideshows.

A. No person shall conduct or engage in any circus, carnival or sideshow business or occupation without having first obtained a permit pursuant to Chapter 5.12 of this title.

B. Location Restricted. No circus, carnival or sideshow shall be placed, located or operated on any unimproved dirt lot or on any residentially zoned property. No circus, carnival or sideshow shall be placed, located or operated on any commercially zoned or publicly zoned property if it will interfere with the business or parking conducted on the property. No circus, carnival or sideshow shall be permitted at any one site or location for more than ten (10) consecutive days, more than four (4) times per calendar year, or more frequently than once in any sixty (60) day period. (Prior code §§ 6380, 6380.1)

5.96.030 Kennels.

No person shall own, operate, manage, conduct or maintain a kennel as defined by Chapter 17.04 of this code without having first obtained a permit so to do pursuant to Chapter 5.12 of this title nor at any time when a permit thus obtained is not in full force and effect, nor in violation of any term or condition of a permit thus obtained. (Amended during 1999 recodification; prior code § 6399.701)

5.96.040 Motels and hotels.

A. Defined. For purposes of this section, a motel and hotel shall be as such terms are defined in Section 3.16.010 and Chapter 17.04 of this code.

B. Permit Required. No person shall conduct or engage in any motel or hotel business or occupation without having first obtained a permit pursuant to Chapter 5.12 of this title. (Amended during 1999 recodification; prior code §§ 6399.201, 6399.202)

5.96.050 Noncommercial car washes.

No person shall conduct a noncommercial car wash as such term is defined in Section 5.04.010 of this title without having first obtained a permit from the city pursuant to Chapter 5.12 of this title. Each application for any such permit shall state the name and address of the person submitting the application and the name and address, if any, of the group of persons or the organization on whose behalf the noncommercial car wash is conducted. (Prior code § 6375)

5.96.060 Office trailers.

A. Definitions. For the purpose of this section, "trailer" and "trailer coach" shall be defined as is set forth in the Vehicle Code of the state.

B. Prohibition. From and after the effective date of the ordinance codified in this chapter, no person shall use a trailer or a trailer coach for any purpose, except as provided in subsection C of this section.

C. Exceptions. This section shall not prohibit the use of trailers:

1. For the transportation of goods, wares and merchandise; and
2. For a construction office during the construction of a project; and
3. For use by a nonprofit organization.

D. Effective Date. The city will cease the issuance of temporary office trailer permits effective January 1, 1998. (Ord. 2467 § 1, 1997; prior code §§ 5100, 5101)

5.96.065 Computer gaming or internet access centers.

A. Permit Required. No person shall own, operate, manage, conduct or maintain a computer gaming or internet access center as defined by Chapter 17.04 of this code without having first obtained a permit pursuant to Chapter 5.12 of this title, nor at any time when a permit thus obtained is not in full force and effect, nor in violation of any term or condition of a permit thus obtained. (Ord. 2595 § 1, 2003)

5.96.070 Tanning businesses.

A. Permit Required. No person shall engage in the business of tanning, curing, preserving or embalming of skins, hides or any decayable substance, where in the tanning, curing, preserving or embalming of which the process used causes or permits the emitting or discharging of any obnoxious or offensive odor or causes or permits the emitting or discharging of dust, fine particles, or any substance that may be carried through or upon the air beyond the limits or confines of the place of business being so operated, without having first obtained therefrom a permit to operate any such business or plant.

B. Application. In addition to the requirements specified in or imposed under Chapter 5.12 of this title, each such application shall specify the distance to the nearest residence and the approximate number of residents living within one thousand (1,000) feet of the place of such contemplated operation.

C. Exception. This section shall not apply to any business or profession regulated or licensed under Chapter 12 of Division III of the Business and Professions Code of the state. (Prior code §§ 6385, 6386, 6389.1)

5.96.080 Used car dealers.

No person shall conduct business as a used car dealer without having first obtained a permit from the city pursuant to Chapter 5.12 of this title except where the sale of used cars is an incidental function of a new car dealership. (Prior code § 6376)

5.96.090 Spiritual specialty shops.

A. Permit Required. No person shall own, operate, manage, conduct or maintain a spiritual specialty shop as defined by Chapter 17.04 of this code without having first obtained a permit pursuant to Chapter 5.12 of this title, nor at any time when a permit thus obtained is not in full force and effect, nor in violation of any term or condition of a permit thus obtained. (Ord. 2671 § 3, 2006)

Chapter 5.98

ADULT BUSINESS LICENSE REGULATIONS

Sections:

5.98.010	Legislative purpose.
5.98.020	Definitions.
5.98.030	Exceptions to chapter.
5.98.040	Zoning requirements.
5.98.050	License required.
5.98.060	License required for each location—Display of license.
5.98.070	Transfer of ownership or control.
5.98.080	Change of location or name.
5.98.090	Term and expiration of adult business license.
5.98.100	Application for adult business license.
5.98.110	Investigation and application.
5.98.120	Denial of application for adult business license.
5.98.130	Adult business entertainer license.
5.98.140	Investigation and action on adult business entertainer license application.
5.98.150	Suspension or revocation of adult business license and adult business entertainer license.
5.98.160	Appeal of denial, revocation or suspension of license.
5.98.170	Adult business development and performance standards.
5.98.180	Development and performance standards specific to adult motion picture theaters or establishments which include video viewing booths or rooms which feature specified sexual activities or specified anatomical areas for observation by patrons.
5.98.190	Development and performance standards specific to adult businesses providing live entertainment.
5.98.200	Display of license and identification cards.
5.98.210	Prohibitions regarding minors.
5.98.220	Inspection.
5.98.230	Regulations nonexclusive.
5.98.240	Employment of persons without permits unlawful.

5.98.250

Violations—Penalties.

5.98.260

Public nuisance.

5.98.010 Legislative purpose.

It is the purpose of this chapter to regulate adult businesses in order to promote the health, safety, morals, and general welfare of the citizens of the city. The provisions of this chapter have neither the purpose nor effect of imposing a limitation or restriction on the content of any communicative materials, including adult materials. Similarly, it is not the intent nor the effect of this chapter to restrict or deny access by adults to adult materials protected by the First Amendment, or to deny access by the distributors and exhibitors of adult entertainment to their intended market. Neither is it the intent nor the effect of this chapter to condone or legitimize the distribution of obscene material. (Ord. 2536 § 5 (part), 2001)

5.98.020 Definitions.

The following words and phrases as used in this chapter are in addition to the words and phrases defined in Chapter 17.76.020 (Definitions), and shall have the meaning and significance attached to them in this chapter, unless otherwise clearly apparent from the context:

“Adult business operator” or “operator” means and includes the owner, permit holder, custodian, manager, operator, or person in charge of any permitted or licensed business.

“Applicant” means a person who is required to file an application for a license under this chapter, including an individual owner, manager, employee, or agent of an adult business or an entertainer of an adult business.

“City Manager” means the City Manager of the city or the City Manager’s authorized representative.

“Independent contractor” means any person or individual who works, dances, entertains and/or provides any services in association with the activity of, or for, an adult business establishment permitted in the city that is not an employee of such an establishment.

“Licensee” means the person to whom an adult business license or adult business entertainer’s license is issued.

“Notice address” means the address designated by the licensee for the mailing of all notices, legal mail, and other written communications from the city to the licensee.

“Person” means any individual, firm, association, partnership, corporation, joint venture, trust or combination of individuals or persons.

“Planning Services Manager” means the Planning Services Manager or the authorized representative(s) thereof.

"Police Chief" means the Police Chief of the city or the authorized representative(s) thereof. (Ord. 2536 § 5 (part), 2001)

5.98.030 Exceptions to chapter.

This chapter shall not apply to:

A. Any treatment administered in good faith in the course of the practice of any healing art or profession by any person holding a valid license or certificate issued by the state of California to practice any such art or profession under the provisions of the Business and Professions Code of California or of any other law of the state.

B. Massage administered at a massage parlor or by a massage practitioner holding a valid current license issued pursuant to the provisions of Section 5.56.020 of this code. (Ord. 2536 § 5 (part), 2001)

5.98.040 Zoning requirements.

In addition to the requirements of this chapter, all adult businesses subject to this chapter shall comply with the requirements set forth in Chapter 17.76 (Adult Entertainment Establishments) of this code and city's zoning ordinance. (Ord. 2536 § 5 (part), 2001)

5.98.050 License required.

A. It is unlawful for any person to engage in, conduct or carry on, or to permit any person to engage in, conduct or carry on, in or upon any premises within the city, the activities of a regulated adult business without a valid license issued for the specific activity pursuant to the provisions of this chapter for each and every such regulated adult business.

B. It is unlawful for any person to engage in or participate in any live performance depicting, describing or relating to specified anatomical areas and/or involving specified sexual activities in an adult business unless the person first obtains and continues in force and effect an adult business entertainer license from the city as herein required. (Ord. 2536 § 5 (part), 2001)

5.98.060 License required for each location— Display of license.

A separate adult business license is required for each location within the boundaries of the city at which a regulated adult business is to be established. The requirements of this chapter for an adult business license are separate and in addition to a business license required under Chapter 5.04 of this title. Every regulated adult business shall display its adult business license prominently in an area open to the public at each such location at all times when the location is open for business. Every regulated adult business and every person subject to the

licensing requirements of this chapter shall make available upon request by the city the adult business entertainer license required by Section 5.98.130 for each regulated employee of the adult business. (Ord. 2536 § 5 (part), 2001)

5.98.070 Transfer of ownership or control.

A. It is a violation of this chapter to operate an adult business under the authority of an adult business license at any place other than the address of the adult business stated in the application upon which the license was issued.

B. Upon the transfer of ownership or control of an adult business, the adult business license shall immediately be null and void. In order for the adult business to continue operating, a new application and license is required.

C. Any attempt to transfer an adult business license either directly or indirectly in violation of this section is void, and the license shall be deemed revoked. (Ord. 2536 § 5 (part), 2001)

5.98.080 Change of location or name.

A. Upon the change of location of the premises where an adult business is conducted, the adult business license shall immediately be null and void. In order for the adult business to continue operating, a new application and license is required.

B. No licensee shall operate a regulated adult business under any name or designation not specified in the license. Upon a change of name of the adult business, the adult business license shall immediately be null and void. In order for the adult business to continue operating, a new application and license is required. (Ord. 2536 § 5 (part), 2001)

5.98.090 Term and expiration of adult business license.

An approved adult business license shall be valid for one year, and shall be renewed on an annual basis on the anniversary date of the original application. Application for renewal of an unrevoked adult business license shall be made pursuant to Section 5.98.110, at least thirty (30) days prior to the expiration date of the current, valid license. (Ord. 2536 § 5 (part), 2001)

5.98.100 Application for adult business license.

A. An applicant requesting issuance or renewal of an adult business license shall file a written, signed, and verified application or renewal application in a form provided by the Planning Services Manager. Each appli-

cation shall be accompanied by a nonrefundable fee for filing or renewal in an amount determined by resolution of the City Council, which fees will be used to defray the cost of investigation, inspection and processing of such application. License fees required under this chapter shall be in addition to any license, permit or fee required under any other chapter or title of this code.

B. An application for an adult business license shall contain the following information:

1. If the application is an individual, the individual shall state his or her legal name, including any aliases, address, and submit satisfactory written proof that he or she is at least eighteen (18) years of age;

2. If the applicant is a partnership, the partners shall state the partnership's complete name, address, the names of all partners, dates of birth, and aliases used by all of the partners, whether the partnership is general or limited, and attach a copy of the partnership agreement, if any;

3. If the applicant is a corporation, the corporation shall provide its complete corporate name, the date and state of its incorporation, evidence that the corporation is in good standing under the laws of California, the legal names, dates of birth, all aliases used, and the capacity of all officers and directors and principal stockholders (i.e., all stockholders with ten (10) percent or more of all outstanding shares of stock), and the name of the registered corporate agent and the address of the registered office for service of process.

C. The application must list whether, preceding the date of application, the applicant or any of the individuals listed pursuant to subsection B of this section has:

1. Had a previous permit under this chapter revoked, as well as the date of such revocation;

2. Whether the applicant has been a partner in a partnership or an officer, director or principal stockholder of a corporation whose permit under this chapter has been revoked, as well as the date of the revocation; and

3. Whether the applicant, if an individual, or any of the officers or general partners, if a corporation or partnership, have been found guilty or pleaded nolo contendere within the past four (4) years of a misdemeanor or a felony classified by the state as a sex or sex-related offense, and if so the date and place of the conviction;

4. Whether the applicant has had a license pursuant to this chapter or other similar regulations of another city or county denied, suspended or revoked, including the name and location of the adult business for which the license was denied, suspended, or revoked as well as the date of the denial, suspension, revocation, and whether the applicant or any other individuals listed pursuant to this section has been a partner in a partnership or an officer, director or principal stockholder of a corporation

that is licensed under this section whose license has previously been denied, suspended or revoked, including the name and location of the adult business for which the license was denied, suspended or revoked as well as the date of the denial, suspension or revocation;

5. Whether the applicant or any other individual listed pursuant to this section holds any other permits and/or licenses under this chapter or other similar adult business ordinance in another city or county and if so, the names and location of such other permitted and/or licensed business(es) and the permitting jurisdiction;

6. A recent photograph of the applicant, and the applicant's driver's license number, Social Security number, and/or his/her/its state or federally-issued tax identification number.

D. The application shall include the applicant's mailing address, name and phone number of the person who is responsible for providing access to the proposed use for inspection purposes, and the notice address to which notice of action on the application is to be mailed (if different).

E. If the applicant is an individual, he or she shall sign the application. If the applicant is other than the individual, an officer of the business entity or an individual with a ten (10) percent or greater interest in the business entity shall sign the application. If the application is signed by the property owner's agent, proof of status is required.

F. If the applicant intends to operate the adult business under a name other than that of the applicant, the applicant shall file the fictitious name of the adult business and show proof of registration of the fictitious name.

G. A detailed description of the type of adult business and proposed use for which the license is requested, including reference to definitions in this chapter and Section 17.76.010 of this code, and the proposed address and assessor's parcel number of the site where the adult business will operate, plus the names and addresses of the owners and lessors of the adult business site.

H. The names of all employees, independent contractors, and other persons who will perform at the adult business, who are required by Section 5.98.130 to obtain an adult business entertainer license.

I. Applicants for a license under this chapter shall have a continuing duty to promptly supplement application information required by this section in the event that said information required by this section in the event that said information changes in any way from what is stated on the application. The failure to comply with said continuing duty within thirty (30) days from the date of such change, by supplementing the application on file with the

Planning Services Manager shall be grounds for suspension of a license.

J. A sketch or diagram showing the interior configuration of the premises, including a statement of a total floor area occupied by the adult business. The sketch or diagram need not be professionally prepared, but must be drawn to a designated scale or drawn with marked dimensions of the interior of the premises to an accuracy of plus or minus six (6) inches.

K. A current certificate and straight-line drawing prepared within thirty (30) days prior to application depicting the building and the portion thereof to be occupied by the adult business, and the location of all "sensitive uses" and other adult businesses in a manner which clearly establishes compliance with Chapter 17.76, and Sections 17.76.040 and 17.76.050 thereof.

L. A blue line print showing all four (4) elevations of any proposed structures and signage and listing proposed exterior building materials. Elevation prints shall be colored or a materials board shall be submitted. In the case of existing buildings where a change of use is proposed and no structural changes or exterior modifications are proposed, photographs may be accepted in lieu of elevation drawings if they show a front, sides, and rear elevation of the structure.

M. A diagram of the off-street parking areas and premises entries of the adult business showing the locations of the lighting system as required by Section 17.76.170.

N. The Planning Services Manager shall be responsible for the granting, denying, revoking, renewing, suspending, and canceling adult business licenses for proposed or existing adult businesses. The Planning Services Manager shall also be responsible for ascertaining whether a proposed adult business for which a license is being considered complies with all applicable zoning laws and/or regulations.

O. In the event that the Planning Services Manager determines or learns, prior to issuing the permit or while the application for a permit is pending, that the applicant has improperly completed the application for a proposed adult business, he/she shall promptly notify the applicant of such fact and allow the applicant ten (10) business days to properly complete the application. The time period for granting or denying a permit shall be stayed during the period in which the applicant is allowed an opportunity to properly complete the application.

P. The fact that an applicant possesses other types of state or city permits or licenses does not exempt the applicant from the requirement of obtaining an adult business license as set forth herein.

Q. The applicant for the license must be qualified according to the provisions of this chapter and the premises must be inspected and found to be in compliance with health, fire and building codes, regulations and laws.

R. Prior to obtaining a permit and license to operate any adult business defined in this chapter, and as part of any application for a permit under this section, the applicant shall obtain from the Planning Services Manager, a certificate that the proposed location of such business complies with the location requirements of Chapter 17.76 of this code.

S. By applying for a license under this section, the applicant shall be deemed to have consented to the provisions of this chapter, and to the exercise of their authority by the Planning Services Manager, the Chief of Police and all other city employees and agencies charged with enforcing the laws, ordinances and codes applicable in the city of their respective responsibilities. (Ord. 2536 § 5 (part), 2001)

5.98.110 Investigation and application.

A. Upon receipt of an application properly filed and upon payment of the nonrefundable application fee, the Planning Services Manager shall immediately stamp the application received and shall immediately thereafter send photocopies of the application to the City Manager, Police Chief, Fire Chief, Building Official, and any other city departments or other agencies responsible for enforcement of health, fire and building codes and laws. Each department or agency shall promptly conduct an investigation of the applicant, application and the proposed Adult Business in accordance with its responsibilities under law and as set forth in this chapter. At the conclusion of its investigation, each department or agency shall indicate on the photocopy of the application its approval or disapproval of the application, date it, sign it, and, in the event it disapproved, state the reasons therefor.

B. A department or agency shall disapprove an application, if it finds that the proposed adult business will be in violation of any provision of any statute, code, ordinance, regulation or other law in effect in the city. After its indication of approval or disapproval, each department or agency shall immediately return the photocopy of the application to the Planning Services Manager.

C. Within twenty (20) business days of receipt of the completed application, the Planning Services Manager shall complete the investigation, grant or deny the application in accordance with the provisions of this section, and so notify the applicant as follows:

1. The Planning Services Manager shall write or stamp "Granted" or "Denied" on the application and date and sign such notation;

2. If the application is denied, the Police Chief shall attach to the application a statement of the reasons for denial;

3. If the application is granted, the Planning Services Manager shall attach to the application an adult business license;

4. The application as granted or denied and the license, if any, shall be placed in the United States mail, first class postage prepaid, addressed to the applicant at the notice address stated in the application.

D. The Planning Services Manager shall grant the application and issue the adult business license upon findings that the proposed business meets the locational criteria of Chapter 17.76 (Adult Entertainment Establishments); and that the applicant has met all of the development and performance standards and requirements of this chapter, unless the application is denied for one or more of the reasons set forth in Section 5.98.120.

E. The license, if granted, shall state on its face the name of the person or persons to whom it is granted, the expiration date, and the address of the adult business is subject to prohibitions against public nudity and indecency pursuant to the United States Supreme Court decision in *Barnes v. Glen Theater, Inc.* (1991) 501 U.S. 560 and any applicable local, state or federal law. The permit shall be posted in a conspicuous place at or near the entrance to the adult business establishment so that it can be easily read at any time.

F. If the Planning Services Manager neither grants nor denies the application within twenty (20) business days after it is stamped as received (except as provided in Section 5.98.100(O)), the application shall be forwarded to the City Council at its next regularly scheduled meeting for consideration in strict conformance with the provisions of this Section 5.98.110(4).

G. If the Planning Services Manager denies renewal of the license, the applicant shall not be issued a license pursuant to this chapter for one year from the date of denial. If, subsequent to denial, the Planning Services Manager finds that the basis for denial of the renewal of the permit has been corrected, the applicant shall be granted a permit if at least ninety (90) days have elapsed since the date the denial became final.

H. After any final denial of a license authorized by this chapter, the applicant or licensee may seek prompt judicial review of such decision in a court of competent jurisdiction as provided by law, pursuant to California Code of Civil Procedure Sections 1094.5 et seq., and pursuant to the expedited judicial review set forth in

California Code of Civil Procedure Section 1094.8. (Ord. 2536 § 5 (part), 2001)

5.98.120 Denial of application for adult business license.

The Planning Services Manager shall deny the application for any of the following reasons:

A. That the building, structure, equipment and/or location used by the business for which a license is required herein does not comply with the requirements and standards of the health, zoning, and fire and safety laws of the state of California and of the city.

B. An applicant or the applicant's adult business is in violation of, or is not in compliance with, any of the provisions of this code related to the establishment or maintenance of an adult business.

C. That the applicant, his or her employee, agent, partner, director, officer, stockholder or manager has knowingly made any false, misleading or fraudulent statement of material fact in the application for a license or in any report or record required to be filed with the city in connection with the application.

D. That the applicant had had any type of adult business license suspended or revoked by any public entity within two (2) years of the date of the application.

E. Within five (5) years immediately preceding the date of the filing of the application for a license under this chapter, the applicant has been convicted of a felony or misdemeanor which offense is classified by the state as an offense involving sexual crimes against children, sexual abuse, rape, kidnapping, distribution of obscene material or material harmful to minors, prostitution or pandering, including, but not limited to, the violation of any crime requiring registration under California Penal Code Section 290, or any violation of Penal Code Sections 243.4, 261, 261.5, 264.1, 266, 266a through 266k, inclusive, 267, 286, 286.5, 288, 288a, 311 through 311.10, inclusive, 314, 316, or 647. The fact that a conviction is being appealed will have no effect on disqualification of the applicant.

F. That on the date that business, for which a license is required, herein commences, and thereafter, there will be no responsible adult on the premises to act as manager at all times during which the business is open.

G. That an applicant is under eighteen (18) years of age.

H. That an applicant, manager or any agent or employee of the applicant or manager has been convicted in a court of competent jurisdiction of any crime in conjunction with or as a result of the operation of an adult business prior to the filing of the application. The

fact that a conviction is being appealed will have no effect on disqualification of the applicant.

I. The required application or license fees have not been paid.

J. The granting of the license would violate a statute, ordinance, or court order. (Ord. 2536 § 5 (part), 2001)

5.98.130 Adult business entertainer license.

A. No person shall engage in or participate in any live performance involving, depicting, describing or relating to specified anatomical areas and/or involving specified sexual activities in an Adult Business, without a valid adult business entertainer license issued by the city. All persons who have been issued an adult business license shall promptly supplement the information provided as part of the application for the license required by Section 5.98.100, with the names of all entertainers required to obtain an adult business entertainer license, within thirty (30) days of any change in the information originally submitted. Failure to submit such changes shall be grounds for suspension of the adult business license.

B. The Planning Services Manager shall grant, deny and renew adult business entertainer licenses.

C. The application for a license shall be made on a form provided by the Planning Services Manager. An original and two copies of the completed and sworn license application shall be filed with the Planning Services Manager.

D. The completed application shall contain the following information and be accompanied by the following documents:

1. The applicant's legal name and any other names (including "stage names" and aliases) used by the applicant;

2. Age, date and place of birth;

3. Height, weight, hair and eye color, tattoo description and locations;

4. Present residence address and telephone number;

5. Whether the applicant has ever been convicted of:

a. Any of the offenses set forth in Section 315, 316, 266a, 266b, 266c, 266e, 266g, 266h, 266i, 647(b) and 647(d) of the California Penal Code as those sections now exist or may be hereafter amended or renumbered;

b. The equivalent of the aforesaid offenses outside the state of California.

6. Whether such person is or has ever been licensed or registered as a prostitute, or otherwise authorized by the laws of any other jurisdiction to engage in prostitution in such other jurisdiction. If any person mentioned in this subsection has ever been licensed or registered as a pros-

stitute, or otherwise authorized by the laws of any other state to engage in prostitution, a statement shall be submitted giving the place of such registration, licensing or legal authorization, and the inclusive dates during which such person was so licensed, registered or authorized to engage in prostitution;

7. State driver's license, Social Security number or identification number;

8. Satisfactory written proof that the applicant is at least eighteen (18) years of age;

9. The applicant's fingerprints on a form provided by the Police Department and a color photograph clearly showing the applicant's face, taken within the last six (6) months of the date of the permit application. Any fees for the photographs and fingerprints shall be paid by the applicant; and

10. If the application is made for the purpose of renewing a license, the applicant shall attach a copy of the license to be renewed.

E. The completed application shall be accompanied by a nonrefundable application fee. The amount of the application fee shall be set by resolution of the City Council.

F. Upon receipt of an application and payment of the application fees, the Planning Services Manager shall immediately stamp the application received and promptly investigate the application.

G. If the Planning Services Manager determines that the applicant has completed the application improperly, or that the application is otherwise invalid, the Planning Services Manager shall, within ten (10) business days of the filing of the application, notify the applicant of such fact and grant the applicant an extension, not to exceed (10) business days, of the time for the Planning Services Manager to act on the application. The time period for granting or denying a license shall be stayed during the period in which the applicant is granted an extension of time. (Ord. 2536 § 5 (part), 2001)

5.98.140 Investigation and action on adult business entertainer license application.

A. Within five (5) business days after receipt of the properly completed application, the Planning Services Manager shall grant or deny the application and so notify the applicant as follows:

1. The Planning Services Manager shall write or stamp "Granted" or "Denied" on the application and date and sign such notation;

2. If the application is denied, the Planning Services Manager shall attach to the application a statement of reasons for denial;

3. If the application is granted, the Planning Services Manager shall attach to the application an adult business entertainer license;

4. The application as granted or denied and the license, if any, shall be placed in the United States mail, first class postage prepaid, addressed to the applicant at the residence address stated in the application.

B. The Planning Services Manager shall grant the application and issue the license unless the application is denied for one or more reasons set forth in subsection D of this section.

C. If the Planning Services Manager neither grants nor denies the application within five (5) business days after it is stamped as received (except as provided in Section 5.98.130(G)), the application shall be forwarded to the City Council at its regularly scheduled meeting for consideration in strict conformance with the provisions of this chapter.

D. The Planning Services Manager, or in the case of the Planning Services Manager not acting within the time period under this section, the City Council shall deny the application for any of the following reasons:

1. The applicant has knowingly made any false, misleading or fraudulent statement of a material fact in the application for a license or in any report or document required to be filed with the application;

2. The applicant is under eighteen (18) years of age;

3. The Adult Business Entertainer license is to be used for performing in a business prohibited by state or city law;

4. The applicant has been registered in any state as a prostitute.

E. Each adult business entertainer license shall expire one year from the date of issuance and may be renewed only by filing with the Police Chief a written request for renewal, accompanied by the application fee and a copy of the license to be renewed. The request for renewal shall be made at least thirty (30) days before the expiration date of the license. When made less than thirty (30) days before the expiration date, the expiration of the license will not be stayed. Applications for renewal shall be acted on as provided herein for applications for licenses.

F. The city deems confidential license applications required pursuant to this Section and all information contained therein. Absent an order from a court of competent jurisdiction, the city shall not disclose for public review the applications or the information contained therein. (Ord. 2536 § 5 (part), 2001)

5.98.150 Suspension or revocation of adult business license and adult business entertainer license.

An adult business license or adult business entertainer license may be suspended or revoked in accordance with the procedures and standards of this section:

A. On determining that grounds for license revocation exist, the Planning Services Manager shall furnish written notice of the proposed suspension or revocation to the licensee. Such notice shall set forth the time and place of a hearing, and the ground or grounds upon which the hearing is based, the pertinent code sections and a brief statement of the factual matters in support thereof. The notice shall be mailed, postage prepaid, addressed to the last known address of the licensee, or shall be delivered to the licensee personally, at least ten (10) business days prior to the hearing date. Hearings shall be conducted in accordance with procedures established by the Planning Services Manager, but at a minimum shall include the following:

1. All parties involved shall have the right to offer testimony, documentary, and tangible evidence bearing on the issues; may be represented by counsel; and shall have the right to confront and cross-examine witnesses. Any relevant evidence may be admitted that is the sort of evidence upon which reasonable persons are accustomed to rely in the conduct of serious affairs. Any hearing under this section may be continued for a reasonable time for the convenience of a party or a witness. The Planning Services Manager's decision may be appealed to the City Council in accordance with Section 5.98.160.

B. A licensee may be subject to suspension or revocation of his/her/its license, or be subject to other appropriate disciplinary action, for any of the following causes arising from the acts or omissions of the licensee, or an employee, agent, partner, director, stockholder or manager of an adult business:

1. The licensee has knowingly made any false, misleading or fraudulent statement of material facts in the application for a license, or in any report or record required to be filed with the city;

2. The licensee, employee, agent, partner, director, stockholder or manager of an adult business has knowingly allowed or permitted, and has failed to make reasonable effort to prevent the occurrence of any of the following on the premises of the adult business, or in the case of an adult business entertainer, the licensee has engaged in one of the activities described below while on the premises of an adult business:

a. Giving false or misleading information in the material submitted during the application process that tended to enhance the applicant's opportunity for obtain-

ing an adult business license or adult business entertainer license;

b. Any act of unlawful sexual intercourse, sodomy, oral copulation, or masturbation;

c. Use of the establishment as a place where unlawful solicitation for sexual intercourse, sodomy, oral copulation or masturbation openly occur;

d. Any conduct constituting a criminal offense which requires registration under Section 290 of the California Penal Code;

e. The occurrence of acts of lewdness, assignation or prostitution, including any conduct constituting violations of Sections 315, 316, 318 or subdivision (b) of Section 547 of the California Penal Code;

f. Any act constituting a violation of provisions in the California Penal Code relating to obscene matter or distribution of harmful matter to minors, including but not limited to Sections 311 through 313.4;

g. Refused to allow an inspection of Adult Business premises as authorized by this Chapter;

h. An employee or permittee who allowed or knew or should have known of gambling by any person on the Adult Business premises;

i. An employee or permittee who allowed or knew or should have known of such activity, has allowed possession, use or sale of controlled substances on the premises;

j. Operated the adult business in violation of a building, fire, health, or zoning statute, code, ordinance or regulation, whether federal, state or local, said determination being based on investigation by the division, department or agency charged with enforcing said rules or laws. In the event of such statute, violation, the Planning Services Manager shall promptly notify the permittee of the violation and shall allow seven (7) consecutive day period, the Planning Services Manager shall forthwith suspend the permit and shall notify the permittee of the suspension;

k. Operated the adult business in violation of the hours of operation as set forth in this chapter;

l. Been convicted of an act for which initial denial of a license would have been required pursuant to this chapter;

m. Any conduct prohibited by this chapter.

3. Failure to abide by any disciplinary action previously imposed by an appropriate city official.

C. After holding the hearing in accordance with the provisions of this section, if the Planning Services Manager finds and determines that there are grounds for disciplinary action, based upon the severity of the violation, the Planning Services Manager shall impose one the following:

1. A warning;

2. Suspension of the license for a specified period not to exceed six (6) months; or

3. Revocation of the license.

D. When the city revokes an adult business license, the revocation shall continue for one year from the date of revocation and the permittee shall not be issued an adult business license for one year from the date revocation became effective.

E. If the adult business license was revoked under this section for reasons that the establishment is in non-compliance with the requirements of Chapter 17.76 (Adult Business Regulations) of this code; and if the Planning Services Manager finds that the basis for revocation under this section has been corrected, the applicant shall be granted a license if at least ninety (90) days have elapsed since the date revocation became effective.

F. If the adult business entertainer license issued to an individual and/or employee was revoked under this section, an applicant may not be granted another license until the number of years required under this section has elapsed. (Ord. 2536 § 5 (part), 2001)

5.98.160 Appeal of denial, revocation or suspension of license.

A. Appeal of Denial of Initial License.

1. Any decision of the Planning Services Manager to issue or deny a license may be appealed to the City Council. Any appeal shall be filed in writing within ten (10) business days following notice of issuance or denial, and shall state the grounds upon which review is sought. The appeal hearing will be scheduled for hearing and the City Council will render a decision all within fifteen (15) business days of the filing of the appeal with the City Clerk. At the hearing, all parties shall have the right to offer testimonial, documentary and other tangible evidence on the issues; may be represented by legal counsel; and shall have the right to examine and cross-examine witnesses. Any relevant evidence upon which reasonable persons are accustomed to rely on in the conduct of serious matters may be admitted.

2. If the Planning Services Manager denies the renewal of a license, or if a license has been suspended or revoked, and the aggrieved applicant/licensee timely commences an appeal to review the validity of the denial, suspension or revocation, upon written request of the applicant/licensee, the city shall issue a temporary permit pending the final determination on the appeal. The temporary permit shall remain in effect throughout the administrative appeal process and for ninety (90) days following the date the administrative determination is final. In the event the applicant/licensee fails or refuses to seek judi-

cial review within such ninety (90) days, the temporary permit shall thereon expire further notice and the applicant/licensee shall cease all operations thereunder. Any temporary permit issued pursuant to this section shall not grant any vested rights to the holder of the temporary permit.

3. All decisions made by the City Council regarding the renewal, nonrenewal, suspension or revocation of a license subject to this chapter shall become final five (5) days after mailing of the Notice of Determination. After any final denial of a license authorized by this Chapter, the applicant/licensee may seek prompt judicial review of such decision in a court of competent jurisdiction as provided by law, pursuant to California Code of Civil Procedure Sections 1094.5 et. seq., and pursuant to the expedited judicial review set forth in California Code of Civil Procedure Section 1094.8. (Ord. 2536 § 5 (part), 2001)

5.98.170 Adult business development and performance standards.

The following development and performance standards shall be satisfied by an adult business and included in any approved adult business license:

A. The establishment of an Adult Business shall comply with all applicable city site development standards of the zone, district, or area in which the adult business is located, the building and construction codes, maximum occupancy loads, fire codes, and the health and safety regulations in effect in the city.

B. An adult business shall comply with the applicable city permit and inspection procedures.

C. Each adult business shall have a business entrance separate from any other nonadult business located in the same building.

D. No adult business shall be operated in any matter that permits the observation of any material depicting, describing or relating to specified sexual activities, specified anatomical areas or instruments, devices or paraphernalia designed for use in connection with specified sexual activities from any public way or from any location outside the building or area of such establishment. The provision shall apply to any display, decoration, sign, show window, or other opening.

E. All building openings, entries, and windows shall be located, covered, or screened to prevent viewing of the interior from any exterior area.

F. All exterior areas of adult businesses, including buildings, landscaping, and parking areas, shall be maintained in a clean and orderly manner free of trash, weeds, and debris.

G. Parking lot lighting shall be provided to illuminate all off-street parking areas serving such use for the purpose of increasing the personal safety of patrons and employees and reducing the incidents of vandalism and theft. The lighting shall provide a level of illumination not less than one foot-candle, measured at the surface of the pavement, at all areas of the parking lot. The lighting shall be shown on the required plot plans and shall be reviewed and approved by the Building and Safety Department.

H. A parking plan shall be submitted to the Planning Services Manager for review and approved providing for adequate contiguous on-site parking.

I. Maximum occupancy load, fire exits, fire lanes and fire suppression equipment shall be regulated, designed and provided in accordance with the regulations and standards of the Fire Department and the city's building standards.

J. The premises within which the adult business is located shall provide sufficient sound-absorbing insulation so that noise generated inside said premises shall not be audible anywhere on any adjacent property or public right-of-way or within any other building or other separate unit within the same building. No loudspeaker or sound equipment audible to persons in any public exterior area shall be used in connection with an adult business, and the business shall be so conducted that sounds associated with the business are not emitted into any public exterior area.

K. An adult business shall be open or operating for business only between the hours of 11:00 a.m. and 2:00 a.m. of any particular day. It is unlawful and a violation of this chapter to cause an adult business to be operated or to allow such business to remain open for business, or to permit any employee and/or independent contractor to engage in a performance, solicit a performance, make a sale, provide a service, or solicit a service, between the hours of 2:00 a.m. and 11:00 a.m. of any particular day.

L. The building entrance to an adult business shall be clearly and legibly posted with a notice indicating that persons under eighteen (18) years of age are precluded from entering the premises. Said notice shall be constructed and posted to the satisfaction of the Building Official. No person under the age of eighteen (18) years shall be permitted within the premises at any time. It is unlawful for any employee, owner, operator, responsible managing employee, manager or permittee of an adult business to allow any person below the age of eighteen (18) years upon the premises or within the confines of any Adult business if no alcoholic beverages are served, or under the age of twenty-one (21) if alcoholic beverages are served.

M. Each adult business shall be provided with a manager's station for the purpose of monitoring and supervising activities within the business. A manager shall be on duty on the premises during all times that the adult business is open to the public. All indoor areas of the adult business within which patrons are permitted, or within which viewing is permitted by patrons or the public except rest rooms, shall be open to view by the manager at all times

N. An on-site security program shall be prepared and implemented including the following items:

1. All interior areas of the adult business shall be illuminated at a minimum of the following foot-candles, minimally maintained and evenly distributed at ground level:

Area	Foot Candles
Adult Bookstores, Video Stores and Novelty Shops	20
Adult Theaters and Cabarets	5 (except during performances, at which times lighting shall be at least 1.25 foot-candles)
Adult Motion Picture Theaters	7.5
Adult Motels/Hotels	20 (in public areas)
Nude Modeling Studios	20

2. All off-street parking areas and building entries serving the sexually-oriented business shall be illuminated during all hours of operation with a lighting system designed to provide an average maintained horizontal illumination of four (4) foot-candles of light on the parking surface and/or walkway. This required lighting level is established in order to provide sufficient illumination of the parking areas and walkways serving the sexually-oriented business for the personal safety of patrons and employees and to reduce the incidence of vandalism and theft. A lighting plan, prepared by a licensed lighting engineer, shall be shown on the required site or plot plan and shall be subject to review by the Building Official and Police Chief;

3. Adult businesses shall employ security guards in order to maintain the public peace and safety, based upon the following standards:

a. Adult businesses such as adult motion picture theaters, adult video stores, nude modeling studios, sexual encounter establishments, adult theaters and adult cabarets, or any adult business which features entertainment (live or motion picture viewed from booths) whose dominant or predominant character and theme is the depiction

of specified sexual activities or specified anatomical areas for observation by patrons, shall provide at least one guard for every fifty (50) occupants permitted by the city's building code, at all times while the business is open, and in no case shall there be less than two (2) guards. One guard shall be stationed outside during all business hours. For businesses where the maximum building fire capacity is fifty (50) or less, video monitoring of the parking lot may be approved by the Police Chief, subject to the submission and approval of a video security monitoring plan;

b. Security guards for other adult businesses may be required if it is determined by the Police Chief that their presence is necessary in order to prevent any of the conduct listed in Section 5.98.150(B)(2);

c. Security guards shall be charged with preventing violations of law and enforcing compliance by patrons of the requirements of these regulations. Security guards shall be uniformed in such a manner so as to be readily identifiable as a security guard by the public and shall be duly licensed by the state as security guards. No security guard required pursuant to this subsection shall act as a door person, ticket seller, ticket taker, admittance person or sole occupant of the manager's station while acting as a security guard;

4. A video camera surveillance system shall be installed and operational during business hours, providing continuous coverage and recordation of both the interior of the building and the parking lot areas. Location of the surveillance cameras shall be approved by the Police Chief;

5. An annual review for adequacy of security will be conducted to ascertain if there has been an increase in calls for emergency services.

O. It is unlawful to sell, serve or permit the consumption of alcohol in any portion of a structure occupied by an adult business unless a license has been issued by the California Department of Alcoholic Beverage Control ("ABC") for such sale, service and consumption.

P. The adult business shall provide and maintain separate rest room facilities for male patrons and employees, and female patrons and employees. Male patrons and employees shall be prohibited from using the rest rooms(s) for females, and female patrons and employees shall be prohibited from using the rest room(s) for males except to carry out duties of repair, maintenance and cleaning of the rest room facilities. The rest rooms shall be free from any material depicting, describing or relating to specified anatomical areas or specified sexual activities ("adult material"). Restrooms shall not contain television monitors or other motion picture or video projection, recording or reproduction equipment. The foregoing

provisions of this paragraph shall not apply to an adult business which deals exclusively with sale or rental of adult materials which is not used or consumed on the premises, such as an adult bookstore or adult video store, and which does not provide rest room facilities to its patrons or the general public.

Q. Every adult business shall display at all times during business hours the license issued pursuant to the provisions of this chapter for such adult business in a conspicuous place so that the same may be readily seen by all persons entering the adult business.

R. An adult business entertainer shall have his/her license available for inspection at all times during which such person is on the premises of the adult business.

Failure to comply with each and all of the foregoing development and performance standards shall be grounds for suspension or revocation of the adult business license and/or adult entertainer's license. (Ord. 2536 § 5 (part), 2001)

5.98.180 Development and performance standards specific to adult motion picture theaters or establishments which include video viewing booths or rooms which feature specified sexual activities or specified anatomical areas for observation by patrons.

In addition to the performance standards set forth in Section 5.98.170, the following development and performance standards shall apply to any adult business which is also an adult motion picture theater or which includes video viewing booths which feature specified sexual activities or specified anatomical areas for observation by patrons.

A. The application for the adult business license shall be accompanied by a diagram of the premises showing a plan thereof and specifying the location of one or more manager's stations, the location of all overhead lighting fixtures, and designating any portion of the premises in which patrons shall not be permitted.

B. The interior of the premises shall be configured in such a manner that there is an unobstructed view from a manager's station of every area of the premises to which any patron is permitted access for any purpose, excluding restrooms. Rest rooms may not contain video reproduction equipment. If the premises has two or more manager's stations designated, then the interior of the premises shall be configured in such a manner that there is an unobstructed view of each area of the premises (except restrooms) to which any patron is permitted access for any purpose from at least one of the manager's

station. The view required in this subsection must be direct line of sight from the manager's station.

C. No alteration in the configuration or location of a manager's station shall be made without the prior written approval of the Planning Services Manager.

D. It shall be the duty of the permittee and/or licensee and any employees present on the premises to insure that the view area remains unobstructed by any doors, walls, merchandise, display racks, or other materials at all times and to insure that no patron is permitted access to any area of the premises which has been designated as an area in which patrons shall not be permitted in the application filed pursuant to this chapter. Signs prohibiting loitering shall be posted and maintained in prominent places in and near video booths.

E. The following additional requirements shall apply to adult motion picture theaters:

1. If the theater contains a hall or auditorium area, the area shall comply with each of the following provisions:

a. Have individual, separate seats (not couches, benches or the like) to accommodate the maximum number of persons who may occupy the hall or auditorium area;

b. Have a continuous main aisle alongside the seating area(s) in order that each person seated in the hall or auditorium area shall be visible from the aisle at all times; and

c. Have a sign posted in a conspicuous place at or near each entrance to the hall or auditorium area which lists the maximum number of persons who may occupy the hall or auditorium area, which number shall not exceed the number of seats within the hall or auditorium area.

2. If the theater is designed to permit outdoor viewing by patrons seated in automobiles, it shall have the motion picture screen so situated, or the perimeter of the establishment so fenced, that the material to be seen by those patrons may not be seen from any public right-of-way, child day care facility, public park, school, or religious institution or any residentially zoned property occupied with a residence.

F. The following additional requirements shall apply to adult motion picture theaters and adult businesses where motion pictures, video cassettes, slides or other visual representations which feature specified sexual activities or specified anatomical areas for observation by patrons in video viewing booths or viewing rooms:

1. Video viewing booths/viewing rooms shall remain unobstructed by any doors, walls, furniture or fixtures, merchandise, display racks, or other materials at all times. No patron is permitted access to any area of the

premises which has been designated as an area in which patrons will not be permitted.

2. No video viewing booth/viewing room may be occupied by more than one person at any one time.

3. The walls or partitions between video viewing booths/viewing rooms shall be maintained in good repair at all times, with no holes between any two such rooms as would allow viewing from one booth or room into another or such as to allow physical contact of any kind between the occupants of any two such booths or rooms.

4. Customers, patrons or visitors shall not be allowed to stand idly by in the vicinity of any such viewing room/booth, or to remain in the common area of such business, other than the rest rooms, who are not actively engaged in shopping for or reviewing the products available on display for purchaser viewing. Signs prohibiting loitering shall be posted in prominent places in and near the viewing rooms/booths.

5. The floors, seats, walls, and other interior portions of all video booths/rooms shall be maintained clean and free from waste and bodily secretions. Presence of human excrement, urine, semen or saliva in any such booths or rooms shall be evidence of improper maintenance and inadequate sanitary controls; repeated instances of such conditions may justify suspension or revocation of the adult business license.

G. This section shall also apply to any adult business, other than an adult motel or hotel, which exhibits on the premises in a viewing room or booth of less than one hundred fifty (150) square feet of floor space, a film, video cassette or other video reproduction which depicts specified sexual activities or specified anatomical areas.

H. The premises shall be equipped with overhead lighting fixtures of sufficient intensity to illuminate every place to which patrons are permitted access and an illumination of not less than seven and one-half (7.5) foot-candle power as measured at the floor level. It shall be the duty of the owners, operators, their agents and employees present on the premises to insure that the illumination described above is maintained at all times any patron is present on the premises. (Ord. 2536 § 5 (part), 2001)

5.98.190 Development and performance standards specific to adult businesses providing live entertainment.

In addition to the performance standards set forth in Section 5.98.170, the following development and performance standards shall apply to adult businesses providing live entertainment involving, depicting, describing or

relating to specified anatomical areas and/or involving specified sexual activities:

A. No person shall perform live entertainment for patrons of an adult business except upon a stage at least (18) inches above the level of the floor which is separated by a distance of at least ten (10) feet from the nearest area occupied by patrons and surrounded with a stationary rail, or at least six (6) feet from the nearest area occupied by patrons and surrounded by a solid barrier, which rail or barrier must be at least thirty (30) inches in height, establishing the separations between entertainers and patrons. No patron shall be permitted within the area of the stage established by the barrier ten (10) feet with a rail or six (6) feet with a solid barrier while the stage is occupied by an entertainer. "Live entertainment" means the performance of every form of live entertainment involving specified sexual activities or the exposure of specified anatomical areas, including, but not limited to, a performance accompanied by music, band or orchestra, act, play, burlesque, revue, pantomime, scene, song or dance participated in by one or more persons. "Entertainer" or "live entertainer" shall mean any person who is an employee or independent contractor of the adult business, or any person who, with or without any compensation or other form of consideration, performs live entertainment from patrons of adult business.

B. If the adult business is licensed to sell alcoholic beverages, the licensee shall abide by the rules and regulations established by the California Department of Alcoholic Beverage Control ("ABC") and the regulations provided in this, chapter, unless any regulation of this chapter is preempted by the ABC, in which case the ABC's regulations shall apply.

C. For live entertainment involving specified sexual activities or the exposure of specified anatomical areas, the following provisions shall apply:

1. No live entertainer, either before, during or after performances, shall have physical contact with any patron and no patron shall have physical contact with any entertainer either before, during or after performances by such entertainer. In addition, while on the premises, no entertainer shall have physical contact with a patron and no patrons shall have physical contact with a patron and no patron shall have physical contact with an entertainer, which physical contact involves the touching of the clothed or unclothed genitals, pubic area, buttocks, cleft of the buttocks, perineum, anal region, or female breast with any part or area of any other person's body either before or after any adult live entertainment by such entertainer. When patrons are present at the establishment, they shall not be allowed to, and shall not, directly touch, fondle or caress (as those terms are defined in

Kev, Inc. v. Kizsap County (9th Cir., 1986) 793 F.2d 1053) the entertainers while they are performing. This subsection shall only apply to physical contact on the premises of the adult business. This prohibition does not extend to incidental touching. Patrons shall be advised of the separation and no touching requirements by signs placed on the barrier between entertainers and patrons, and if necessary by employees of the establishment;

2. Live entertainers shall be restricted to performing in accordance with subsection (C)(1) of this section;

3. Each live entertainer for an adult business shall be required to obtain an adult entertainer license pursuant to this chapter.

D. The adult business shall provide separate dressing room facilities for entertainers dedicated to the entertainers' use. No patron is permitted access to the dressing room facilities. The dressing room facilities shall not contain television monitors or other motion picture or video projection, recording or reproduction equipment.

E. The adult business shall provide access for entertainers between the stage and the dressing rooms which is completely separated from the patrons. If such separate access is not physically feasible, the adult business shall provide a minimum three (3) foot wide walk aisle for entertainers between the dressing room area and the stage, with a railing, fence or other barrier separating the patrons and the entertainers capable of (and which actually results in) preventing any physical contact between patrons and entertainers.

F. No patron shall directly pay or give any gratuity to any entertainer and no entertainer shall solicit or accept any pay or gratuity from any patron. If patrons wish to pay or tip entertainers, payment or tips shall be placed in receptacles which shall be located at least ten (10) feet from the permanently fixed stage (or eight (8) feet, where a solid barrier has been installed pursuant to subsection (F)(1) of this section. Patrons shall not throw payment or tips to entertainers, hand tips directly to entertainers or place tips in the entertainer's costumes.

G. No owner or other person with managerial control over an adult business shall permit any person on the premises of the adult business to engage in exposure of the human male or female genitals, pubic area or buttocks with less than a fully opaque coverage over any part of the nipple or areola and/or covered male genitals in a discernibly turgid state. The provision may not be completed with by applying an opaque, and/or the female with less than a fully opaque coverage over any part of the nipple or areola and/or covered male genitals in a discernibly turgid state. This provision may not be completed with by applying an opaque covering simulating the

appearance of the specified anatomical part required to be covered.

H. No operator, entertainer or employee of an adult business shall encourage or permit a patron upon the premises to touch, caress or fondle the breasts, buttocks, anus or genitals of any entertainer or employee of the adult business. The adult business shall not conduct any massage, acupuncture, body wrapping, tattooing, acupressure or escort services on the premises.

I. Every licensee of an adult business which provides live entertainment depicting, describing or relating to specified anatomical areas, or involving specified sexual activities must maintain a register of all persons so performing on the premises and their license numbers. Such register shall be available for inspection during regular business hours by any police officer or health officer of the city.

J. The adult business shall provide a security system that visually records and monitors all parking lot areas, at all times that the business is open and occupied for business.

K. User parking areas and doorways of an adult business shall be unobstructed so as to allow visibility of these areas from the public right-of-way. (Ord. 2536 § 5 (part), 2001)

5.98.200 Display of license and identification cards.

A. Every adult business shall display at all times during business hours the license issued pursuant to the provisions of this chapter for such adult business in a conspicuous place so that the same may be readily seen by all persons entering the adult business.

B. The police chief shall provide each adult business entertainer required to have a license pursuant to this chapter, with an identification card containing the name, address, photograph and license number of such entertainer.

C. An adult business entertainer shall have such card available for inspection at all times during which such person is on the premises of the adult business. (Ord. 2536 § 5 (part), 2001)

5.98.210 Prohibitions regarding minors.

It is a violation of this chapter for any person to operate, or cause to be operated an adult business, regardless of whether or not a permit has been issued for said business under this section, and knowingly, or with reasonable cause to know, permits, suffers, or allows:

A. Admittance of a person under eighteen (18) years of age to the business premises;

B. A person under eighteen (18) years of age to remain at the business premises;

C. A person under eighteen (18) years of age to purchase goods or services at the business premises; or

D. A person who is under eighteen (18) years of age to work at the adult business premises as an employee, or an independent contractor; or

E. The interior of the premises to be visible to a minor, wherein any matter harmful to minors is displayed or visible, unless all such materials so visible to minors are covered or obscured as required by city ordinance.

F. A sign shall be conspicuously posted on all entrances restricting entrance of minors. (Ord. 2536 § 5 (part), 2001)

5.98.220 Inspection.

An applicant for an establishment or licensee shall permit authorized representatives of the Planning Division, the County Health Department, the Police Department, the County Fire Department, or other City departments or agencies to inspect the premises of an adult business or the premises at which a licensee is permitted to work, for the purpose of insuring compliance with the law and the development and performance standards applicable to Adult businesses, at any time it is occupied or open for business. A person who operates an adult business or his or her agent or employee is in violation of the provisions of this section if he/she refuses to permit such lawful inspection of the premises at any time it is occupied or open for business. Such inspections shall be conducted in a reasonable manner. (Ord. 2536 § 5 (part), 2001)

5.98.230 Regulations nonexclusive.

The provisions of this chapter regulating adult businesses are not intended to be exclusive and compliance therewith shall not excuse noncompliance with any regulations pertaining to the operation of businesses as adopted by the city. (Ord. 2536 § 5 (part), 2001)

5.98.240 Employment of persons without permits unlawful.

It is unlawful for any owner, operator, manager or licensee in charge of or in control of an adult business which provides live entertainment depicting, describing or relating to specified anatomical areas and/or involving specified sexual activities to allow any person to perform such entertainment who is not in possession of a valid, unrevoked adult business entertainer license. (Ord. 2536 § 5 (part), 2001)

5.98.250 Violations—Penalties.

Any person, whether as principal, employee, agent, partner, director, officer, stockholder or trustee or otherwise, violating or causing the violation of any provisions of this chapter shall be guilty of a misdemeanor, and any conviction thereof shall be punishable by a fine of not more than one thousand dollars (\$1,000.00) or by imprisonment for not more than six (6) months, or by both such fine and imprisonment. Any violation of the provision of this chapter shall constitute a separate offense for each and every day during which such violation is permitted, committed or continued. (Ord. 2536 § 5 (part), 2001)

5.98.260 Public nuisance.

In addition to the penalties set forth above, any adult business which is operating in violation of this chapter or any provision thereof is declared to constitute a public nuisance and, as such, may be abated or enjoined from further operation. All costs to abate such public nuisance, including attorney's fees and court costs, shall be paid by the licensee of the adult business, or the property owner of record, pursuant to this code. (Ord. 2536 § 5 (part), 2001)

Chapter 5.102

ALARM SYSTEMS, FALSE ALARMS AND PENALTIES

Sections:

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5.102.160	Violation—Penalty.

5.102.010 Definitions.

All words and phrases used in this chapter which are defined in the Alarm Company Act (Business and Professions Code of the State of California, Section 7590, et seq.) shall have the same meaning as in said act except that certain words and phrases used in this chapter are defined as follows:

“Alarm Administrator” means that person designated by the Chief of Police or his or her designee as the person responsible for the administration and management of this chapter.

“Alarm installation company” means a person in the business of selling, providing, maintaining, servicing, repairing, altering, replacing, moving, or installing an alarm system in an alarm site.

“Alarm monitoring company” means a person in the business of providing monitoring services.

“Alarm system” means any mechanical or electrical device or combination thereof which is designated for the detection of an unauthorized entry on or into any building, place, or premises, or for alerting others of the commission of an unlawful act, or both, or for alerting others of any other emergency situation and which emits a sound or transmits a signal or message. Alarm systems, include, but are not limited to, direct dial telephone devices, audible

alarms, silent alarms and central station alarms. Not included in this definition are:

1. Auxiliary devices installed by a telephone or utility company to protect telephone or utility company systems that might be damaged or destroyed;

2. Alarms used in connection with and installed in motor vehicles.

“Audible alarm” means any device designed for the detection of unauthorized entry on or into premises and which emits an audible sound on or about the premises when it is activated.

“Automatic voice dialers” means any electrical, electronic, mechanical, or other device capable of being programmed to send a prerecorded voice message, when activated, over a telephone line, radio or other communication system, to a law enforcement, public safety or emergency services agency requesting dispatch.

“Chief” means Chief of Police or his or her designee of the city of El Monte or his or her authorized representative.

“Direct dial telephone device” means any device which is interconnected to a voice-grade telephone line and is programmed to select a predetermined telephone number and transmits by prerecorded voice message or code signal an emergency message indicating a need for emergency response.

“False alarm” means an alarm signal, either silent or audible, necessitating response by the Police or Fire Department where an emergency situation for which the alarm system was designed or used does not exist due to mechanical failure, accidental tripping or actuation (human error), misoperation, malfunction, misuse or the neglect of the owner or lessee of an alarm system, or his or her employees or agents. Upon failure of the El Monte Police Department or Fire Department to find any evidence of intrusion, fire or attempted intrusion, or other need or cause for activating an alarm system, a presumption of false alarm will arise. False alarm shall not include alarms caused by earthquakes, violent winds, malfunction or telephone line circuits or external causes beyond the control of the owner or lessee of the alarm system.

“Hearing Officer” means a neutral person designated by the City Attorney who is not a city employee.

“One-plus duress alarm” means the manual activation of a silent alarm signaled by entering at an arming station a code that adds one to the last digit of the normal arm/disarm code (e.g., normal code: 1234, one-plus duress code: 1235).

“One year period” means a period of three hundred sixty-five (365) days, commencing from the date of the first false alarm activation.

"Operator" means an alarm installation company, an alarm monitoring company; or a user who owns or operates an alarm system which is not monitored, maintained or repaired under contract by an alarm installation company or alarm monitoring company.

"Person" means any individual, firm, company, association, organization, partnership, corporation, limited liability company, institution or agency, whether public or private.

"SIA Control Panel Standard CP-01" means the ANSI-American National Standard Institute approved Security Industry Association-SIA CP-01 Control Panel Standard, as may be updated from time to time, that details recommended design features for security system control panels and their associated arming and disarming devices to reduce the incidence of false alarms. Control panels built and tested to this standard by Underwriters Laboratory (UL), or other nationally recognized testing organizations, will be marked to state: "Design evaluated in accordance with SIA CP-01 Control Panel Standard Features for False Alarm Reduction."

"Silent alarm" means any device designed for the detection of unauthorized entry on or into premises, or any device that is designed to signal or any emergency situation where the police department is expected to respond, and that when activated transmits a signal or message inaudibly to a central station, or other monitoring point.

"User" means any person, who (which) has contracted for monitoring, repair, installation or maintenance service from an alarm installation company or monitoring company for an alarm system, or who (which) owns or operates an alarm system which is not monitored, maintained or repaired under contract. (Ord. 2684 § 2 (part), 2007)

5.102.020 License and registration required.

A. No alarm installation company, alarm monitoring company or alarm agent as defined by the Business and Professions Code, shall install, maintain, sell, lease, rent, monitor, service, or repair any alarm system within the city of El Monte unless the alarm installation company, alarm monitoring company, or alarm agent has, prior to performing such work, obtained a city business license and registered their name and filed a copy of their state issued identification card with the Chief of Police or his or her designee. Upon such registration, all alarm installation companies, alarm monitoring companies, and alarm agents shall be given a copy of the provisions of this chapter. All past fees, fines and penalties must be paid before registration is completed.

B. Said alarm installation company, alarm monitoring company, or alarm agent shall immediately notify the

police department upon installation of any alarm system with the city. Said notification shall include information as may be required by the Chief of Police or his or her designee. (Ord. 2684 § 2 (part), 2007)

5.102.030 Permit required.

A. No person, alarm installation company or alarm monitoring company, shall use an alarm system within the city unless a valid alarm system permit has first been issued by the Chief of Police or his or her designee for the operation of the alarm system at that location.

B. The following information shall be included on the alarm system permit application for all permits required under this section:

1. Name of the business or resident located or living at the location where the alarm system is to be used, the exact street address of the location including suite or apartment number, and the telephone number of the location;

2. Name, address, telephone number and state identification numbers of the alarm installation company, alarm monitoring company or alarm agent installing, maintaining, or repairing their alarm system;

3. A description of the type of alarm or combination of types (such as, but not limited to, silent, audible, direct dial or central station);

4. Name, address, and telephone number of at least two (2) persons to be called pursuant to an alarm activation who will respond to the location immediately if requested by the police department; and in no cases shall this person or persons take longer than thirty (30) minutes to respond to the location;

5. All types of situations the alarm is designed or intended to alert the police department to, (such as, but not limited to, armed robbery, burglary or medical emergency);

6. A statement affirming that the user has not had an alarm system permit denied or revoked within six (6) months of the application;

7. A statement affirming that the equipment used in the alarm system meets the standards established pursuant to this chapter;

8. Such further information as the Chief of Police or his or her designee determines is necessary to evaluate and act upon the application.

C. Each application shall be signed under penalty of perjury.

D. Each user shall give written notice whenever any change occurs in any information required under this section to the police department within twenty-four (24) after the change is effective.

E. The alarm system permit fee must be paid by the alarm installation company at the time the alarm system is installed or to the alarm monitoring company at the time the alarm user contracts with the company for monitoring services or the user pays the city directly for self-installed or take-over alarms. There shall be an exemption of said fee for low income senior citizens sixty-two (62) years of age or older, disabled persons and honorably discharged disabled veterans, and the City Council shall further define such classes or persons eligible for exemption of this fee by resolution. There are no exemptions for false alarm penalties or reinstatement fees for permits.

F. A separate permit is required for each location where an alarm is used.

G. Alarm system permits are valid for one year after issuance or sooner if there is a change in user, location, or equipment, or until revoked pursuant to this chapter.

H. Alarm system permits are not transferable to any other user or location.

I. The user or any alarm monitoring company shall notify the police department within ten (10) calendar days of any new alarm installation. Said user shall make a complete application for a license within twenty (20) calendar days of said installation.

J. Upon the issuance or renewal of any permit, the user shall be given a copy of the sections of this chapter regarding false alarms, penalties and nuisance abatement and also a copy of the resolution setting the various fees and penalties.

K. Failure to obtain a permit within the time requirements of subsection I of this section shall be subject to penalties as provided in Section 5.102.160. (Ord. 2684 § 2 (part), 2007)

5.102.040 Findings for alarm system permit.

The Chief of Police or his or her designee shall issue an alarm systems permit upon his or her determination that:

- A. The system has been inspected and found to be:
 1. In good working order;
 2. Compatible with telephone company equipment;
 3. One which does not use equipment having a potential for jamming the city telephone system, such as those involving tape dialers;
 4. In compliance with the equipment standards set for in Section 5.102.060;

B. An inspection of the premises by a state-licensed alarm agent and a certificate by such agent that the system is in compliance with the requirements of Section 5.102.060 and the requirements of this section shall be sufficient for such determination.

C. The user is fully conversant with the alarm system and knows how to operate it. (Ord. 2684 § 2 (part), 2007)

5.102.050 Alarm system permit—Renewal.

A. Each alarm system permit shall be renewed every year. Renewal shall be accomplished by inspection of the premises by a state-licensed alarm agent. A certification by such agent that the alarm system is in compliance with the requirements of Section 5.102.060 shall be submitted to the city with the renewal application and processing fee. There shall be an exemption of said fee for low income senior citizens sixty-two (62) years of age or older, disabled persons and honorably discharged disabled veterans, and the City Council shall further define such classes or persons eligible for exemption of this fee by resolution. No such renewal shall be issued if there are any outstanding fines, penalties or fees owed to the city, or if the alarm system is not in compliance with all of the provisions of this chapter.

B. An alarm system permit shall expire at 11:59 p.m. on December 31 of each year and must be renewed every calendar year by submitting an updated application and a permit renewal fee to the Alarm Administrator, either directly or through an alarm company. It is the responsibility of the alarm user to submit an application prior to the permit expiration date. Failure to renew will be classified as use of a nonpermitted alarm system and may result in citations and penalties. (Ord. 2684 § 2 (part), 2007)

5.102.060 Alarm system standards.

All alarm systems and equipment shall meet or exceed the minimum standards for alarm systems as may be established by the Police Chief. Minimum standards include the following:

A. All audible alarm systems, excluding fire alarms, which indicate the functioning of an automatic fire sprinkler system, shall include a device, which will limit the generation of the audible sound of the system to ten (10) minutes or less after activation.

B. Alarm equipment shall not have a potential for unauthorized telephone seizures.

C. Alarm equipment shall be capable of preventing false alarms by using an abort feature.

D. Audible alarms shall not duplicate the sounds of police, fire, paramedic, ambulance, other emergency vehicles, or any civil defense warning. The Chief of Police or his or her designee shall make the final determination regarding any question of audible alarm within this section.

E. Direct alarm system using telephone lines to transmit alarms shall not use tape dialers. All such dialers shall be of the digital type.

F. All alarm systems shall be supplied with an uninterrupted power supply in such a manner that the failure or interruption of the normal electric utility service will not activate the alarm system. Said backup shall provide not less than four (4) hours of independent operation.

G. An alarm company shall not use automatic voice dialers. (Ord. 2684 § 2 (part), 2007)

5.102.070 Alarm installation/monitoring standards.

A. Upon the effective date of the ordinance codified in this chapter, alarm installation companies shall not program alarm systems so that they are capable of sending one-plus duress alarms. Alarm companies may not continue to report one-plus duress alarms received from alarm systems programmed with one-plus duress alarms prior to enactment of this chapter.

B. Upon the effective date of the ordinance codified in this chapter alarm businesses shall not install a device for activating a hold up alarm, which is a single action non-recessed button.

C. Ninety (90) calendar days after enactment of this chapter, and conditioned upon reasonable availability, alarm installation companies shall on new installations, use only alarm control panel(s) which meet SIA Control Panel Standard CP-01.

D. An alarm installation company shall not install an alarm for a customer who does not have a current valid alarm system permit under this chapter, provided, that the installation company may provide the customer with a permit application form and shall accept from the customer the completed form and the applicable permit fee on behalf of the Alarm Administrator, after which the company may install the alarm system.

E. No later than the last day of each month following the month of collection or receipt, the installation company shall remit to the Alarm Administrator all permit fees collected and completed permit applications received.

F. An alarm company shall not service a new customer who does not have a current valid alarm system permit provided that the alarm company may provide the customer with a permit application form and shall accept from the customer the completed form and the applicable permit fee on behalf of the Alarm Administrator, after which the company may service the alarm system.

G. No later than December 1 of each year, an alarm company doing business in the city of El Monte shall notify each of its customers of the alarm system permit renewal for the following year and shall bill such customers for the permit fee required under this chapter. Such bill

shall be due and payable in not more than thirty (30) calendar days.

H. No later than the last day of each month following the month of collection or receipt, the alarm company shall remit to the Alarm Administrator all permit fees collected, completed permit applications received and a complete list of all customers with a designation of those customers who have failed to pay the required fee. (Ord. 2684 § 2 (part), 2007)

5.102.080 False alarms.

The city shall assess a penalty against any operator that services an alarm system where there are more than three (3) false alarms received by the city during any one-year period. The amount of said penalty shall be established by resolution of the City Council. There shall be additional penalty assessments if said penalty is not paid within thirty (30) calendar days and the alarm system permit may be revoked pursuant to Section 5.102.090. Also, response to said alarm by City Officials may be discontinued pursuant to Section 5.102.100 if said penalties are not paid within thirty (30) calendar days. (Ord. 2684 § 2 (part), 2007)

5.102.090 Denial or revocation of alarm system permit.

A. The Police Chief may deny the issuance of an alarm system permit or revoke a permit upon finding any of the following conditions:

1. Incomplete, false or fraudulent statements on the alarm system permit application;
2. Failure to pay fees, fines, and penalties owed to the city within thirty (30) calendar days;
3. Failure to submit current information as required under Section 5.102.030(B) and (D);
4. Failure of a responsible person listed under Section 5.102.030(B)(4) to respond immediately (and in no circumstances longer than thirty (30) minutes) to the location of an alarm when it has been determined that the presence of a responsible person is necessary to conduct an investigation into possible criminal activity, to secure the premises, or to turn off an audible alarm;
5. The alarm system no longer complies with the requirements of this chapter.

B. Written notice shall be mailed to the user giving the reason for denial or revocation.

C. The user may, by written request within ten (10) calendar days after mailing of the notice, file an appeal of the denial or revocation pursuant to Section 5.102.130. (Ord. 2684 § 2 (part), 2007)

5.102.100 Discontinuance of response to alarms.

A. The Police Chief may discontinue response by city officers to an alarm at a location when any of the following conditions exist:

1. When there are more than six (6) false alarms at a specific location within a three hundred sixty-five (365) day period.

2. When a penalty for a false alarm has been levied against an operator and the party responsible for the payment of the penalty fails to pay said penalty within thirty (30) calendar days following notification of the penalty and/or the alarm company has failed to register themselves or their customer with the city.

B. At least fifteen (15) calendar days prior to discontinuance of response by city officers, the Police Chief shall notify the operator by mail of the action. The operator may, within ten (10) calendar days after mailing of such notice, file a written appeal of said discontinuance pursuant to Section 5.102.130.

C. Reinstatement will occur upon application when the operator/alarm location has remedied the problem causing the false alarms and/or when the past due fees and/or penalties has been paid. There shall be a fee established for reinstatement as set by resolution of the City Council. Before reinstatement, said alarm system shall be inspected and tested by a state-licensed alarm agent. Proof of inspection and testing shall be submitted with the application and reinstatement fee.

D. Nothing in the chapter is intended to prevent a police officer from responding to a person who calls and advises of a crime in progress or who needs police assistance. (Ord. 2684 § 2 (part), 2007)

5.102.110 Testing.

An alarm activated during any service, test, repair, maintenance or alteration work of an alarm system shall be counted as a false alarm for the purposes of Section 5.102.080. (Ord. 2684 § 2 (part), 2007)

5.102.120 Repairs.

When any false alarm caused by a malfunction occurs, the user shall cause the alarm system to be repaired to correct the malfunction prior to placing the alarm system in operation again. (Ord. 2684 § 2 (part), 2007)

5.102.130 Appeals.

Any applicant, operator or alarm system permittee shall have the right to appeal to a Hearing Officer any decision or finding made pursuant to this chapter. The notice of appeal shall be filed in writing with the Chief of Police or

his or her designee within ten (10) calendar days following a decision of the City Official pursuant to this chapter. The notice of appeal shall state the grounds for the appeal. An appeal fee, to cover the costs actually incurred by the city to hold the hearing may be set by resolution of the City Council and shall be paid when said notice of appeal is filed. The Chief of Police, or his or her designee, shall notify the City's Hearing Officer of the request for an appeal who will in turn conduct a hearing on the appeal. The applicant shall be notified of the results of the appeal no later than five (5) business days after the hearing. In the event the result of the appeal is to overturn or change the decision of the City Official, the appeal fee shall be refunded to the applicant. Filing of a request for appeal shall stay the action of the suspending or revoking of an alarm system permit until the Hearing Officer has completed his or her review. If a request for appeal is not made within the ten (10) calendar day period, the action of the City Official shall be final and not subject to further appeal. (Ord. 2684 § 2 (part), 2007)

5.102.140 Duties and obligation not created.

Nothing in this chapter shall be construed to impose upon the city or any officer or employee of the city, any duty or obligation of any kind to a user or any other person. (Ord. 2684 § 2 (part), 2007)

5.102.150 Verified alarm cancellations.

There shall be a procedure established by the Chief of Police or his or her designee, which allows the alarm monitoring companies to provide verified alarm response cancellations, which can be made prior to response at the subject location being made. (Ord. 2684 § 2 (part), 2007)

5.102.160 Violation—Penalty.

A. Criminal Prosecution. Any person who violates any of the provisions of this chapter shall be guilty of a misdemeanor as provided under Section 1.24.010(A) of this code.

B. Administrative Citation Process. In lieu of criminal prosecution pursuant to subsection A of this section, violations of this chapter may be prosecuted by the issuance of an administrative citation issued pursuant to the provisions of Chapter 1.18 of this code.

C. Any alarm system installed or maintained in violation of this chapter is declared to be a public nuisance pursuant to California Code Section 3479 and shall be abated as provided by law. (Ord. 2684 § 2 (part), 2007)

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6 animals

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Title 6

ANIMALS

Chapters:

6.04 Animal Control Code Adopted

Chapter 6.04

ANIMAL CONTROL CODE ADOPTED

Sections:

- 6.04.010** **Animal control ordinance—
Adoption by reference of portions
of Los Angeles County
Administrative Code.**
- 6.04.020** **Amendment of definitions.**
- 6.04.030** **Fees—Adoption.**
- 6.04.040** **Kennels—Residential separation.**
- 6.04.050** **Violation—Penalty.**

6.04.010 **Animal control ordinance—
Adoption by reference of portions of
Los Angeles County Administrative
Code.**

Subject to certain amendments and additions as specified in this chapter of Title 6 of the El Monte Municipal Code, Title 10 of the Los Angeles Administrative Code, including all amendments and ordinances of Los Angeles County up to and including Los Angeles County Ordinance No. 2006-0029, dated June 1, 2006, is adopted by reference for the city of El Monte as the “Animal Control Ordinance” of the city of El Monte. For purposes of this section of Chapter 6.04 of Title 6 of the El Monte Municipal Code, Title 10 of the Los Angeles County Administrative Code, including all amendments and ordinances of Los Angeles County up to and including Los Angeles County Ordinance No. 2006-0029, dated June 1, 2006, may be referred to as the “2006 City of El Monte Animal Control Ordinance.” (Ord. 2686 § 1, 2007: Ord. 2641 § 1, 2005: prior code § 4160)

6.04.020 **Amendment of definitions.**

Whenever the following terms are used in this chapter, they shall be construed to have the following respective meanings:

“Board” or “Board of Supervisors” means the Council of the city.

“County” or “County of Los Angeles” means the city of El Monte.

“Health officer” means the Health Officer of the city. (Prior code § 4160.2)

6.04.030 **Fees—Adoption.**

The fee schedule, as set out, in Section 10.90.010, et seq., of the Title 10 of the Los Angeles County Administrative Code, including all amendments and ordinances of Los Angeles County up to and including Los Angeles

County Ordinance No. 2006-0029, dated June 1, 2006, is adopted by reference as the fee schedule for enumerated services of the city under the 2006 City of El Monte Animal Control Ordinance. The City Council of the city may hereafter make such adjustments in the fee schedule as may be appropriate upon adoption of a resolution of the City Council in the manner authorized by Government Code Section 66016. (Ord. 2686 § 2, 2007: Ord. 2641 § 2, 2005: prior code § 4160.4)

6.04.040 **Kennels—Residential separation.**

It is unlawful to maintain a dog kennel or a cat kennel within thirty-five (35) feet of any dwelling occupied by human beings other than the owner or operator of such dog or cat kennel. This section shall not preclude the specification of a greater distance in the zoning regulations of this code. (Prior code § 4171)

6.04.050 **Violation—Penalty.**

Any violation of the 1995 City of El Monte Animal Control Ordinance is a misdemeanor. The city may prosecute any violation of the 1995 City of El Monte Animal Control Ordinance as a misdemeanor in accordance with El Monte Municipal Code Section 1.24.010 of this code. (Prior code § 4160.3)

Title 7

(Reserved)

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*8 Health and
Safety*

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Title 8

HEALTH AND SAFETY

Chapters:

- 8.04 Health Code**
- 8.08 Abandoned Vehicles**
- 8.10 Vendor Assisted Sales of Tobacco**
- 8.16 Fireworks**
- 8.20 Solid Waste—Removal, Collection, Disposal
and Diversion**
- 8.24 Hazardous Materials**
- 8.28 Integrated Waste Management Plan**
- 8.32 Mobile Source Air Pollution Reduction
Programs**
- 8.36 Noise Control**
- 8.40 Private Swimming Pools**
- 8.44 Property Maintenance**
- 8.48 Miscellaneous Health Regulations**
- 8.54 Abandoned Carts—Retrieval and
Impoundment**
- 8.56 Uniform Housing Code**
- 8.58 Uniform Code for Abatement of Dangerous
Buildings**

Chapter 8.04**HEALTH CODE****Sections:**

- 8.04.010 Adoption.**
- 8.04.020 Definitions.**
- 8.04.030 Application and interpretation.**
- 8.04.040 Deletions.**
- 8.04.050 Amendments.**
- 8.04.060 Further amendments to Health Code.**
- 8.04.070 Additions.**
- 8.04.080 Arrests for violations—Penal Code provisions adopted.**
- 8.04.090 Interfering with duties of the El Monte Health Officer prohibited.**
- 8.04.100 Violation—Penalty.**

8.04.010 Adoption.

With the exceptions of the deletions set forth in this chapter and subject to the amendments and additions hereinafter specified, there is adopted by reference for the city, the 1988 version of the Los Angeles County Health and Safety Code, Title 11, as adopted by the Los Angeles County Board of Supervisors (the "Board") on August 2, 1988, by Ordinance Number 88-0132. (Prior code § 5401)

8.04.020 Definitions.

The definitions contained in said Health Code and in the following subsections shall apply only to said Health Code:

"County" or "County of Los Angeles" or any abbreviation thereof means the area to which said Health Code shall apply, such word or words shall be interpreted and deemed to mean "City."

"County" or "County of Los Angeles" or any abbreviation thereof means the area of enforcement of any provision of said Health Code, it shall be interpreted to mean the city of El Monte.

"Health Officer" or "Officer" means the authorized enforcement officer of unit for the city of El Monte. (Prior code §§ 5402—5402.3)

8.04.030 Application and interpretation.

A. The definition or regulation of any activity, condition, or structure in said Health Code shall not be interpreted or deemed to permit or allow the conduct of any such activity or the construction or maintenance of any such condition or structure as may be otherwise prohibited or restricted by any other sections of the El

Monte Municipal Code or other ordinances of this city heretofore or hereafter adopted.

B. Whenever any provision of this chapter is in any respect in conflict with any other provision of the Municipal Code, the more restrictive provision shall apply. (Prior code §§ 5403, 5403.1)

8.04.040 Deletions.

Sections 535, 536, 537, 538, 602 and 608 of the Health Code are repealed. (Prior code § 5404)

8.04.050 Amendments.

Sections 11.38.520 and 11.38.560 are amended to read respectively as follows:

11.38.520. CHEMICAL TOILETS. Where there is no running water or there is no practical means of sewage disposal, or when the operation or maintenance of a water flush toilet would be liable to contemplate or pollute the waters of any stream, water channel, spring, well, pond, lake, reservoir, infiltration gallery, or underground water from which water may be drawn for domestic consumption, a chemical toilet may be maintained. No chemical toilet may be maintained under such circumstances unless a permit therefor shall have been obtained from the Health Officer. Upon ascertaining that the necessity for such permit as herein set forth no longer exists, the Health Officer shall revoke such permit. No person shall continue to maintain a chemical toilet after the permit for maintenance thereof has been revoked.

11.38.560. PUBLIC WASH ROOMS, TOILET FACILITIES, SHOWERS AND BATHS. Every person maintaining a toilet room, washroom, bath or shower room for the use of his/her employees, or the public, shall at all times keep the floors, walls, ceiling, toilet facilities, urinals, lavatories, and other equipment therein, in good repair and free from dirt, filth and corrosion. All baths, showers, lavatories, and urinals shall be adequately supplied with running water. Rooms used for such facilities shall be well ventilated and lighted. All lavatories shall be kept supplied with soap and individual towels with a receptacle for their disposal. All toilet facilities shall be kept supplied with toilet paper. In connection with every public toilet hereafter created, there shall be maintained hand washing facilities for the public and employees. (Ord. 2470 § 1 (part), 1997; Ord. 2469 § 1 (part), 1997; prior code § 5405)

8.04.060 Further amendments to Health Code.

The city adopts by reference Los Angeles County Ordinance No. 97-0071, which was adopted on December 16, 1997 by the Board of Supervisors and relates to the operation of food establishments and the establishment of a food handler's training certification program. Ordinance No. 97-0071 amends the Health Code, which was previously adopted by reference by the city. (Ord. 2485 § 2, 1998: prior code § 5415)

8.04.070 Additions.

A new Section 535 is added to the Health Code, the same to read as follows:

Sec. 535. PRIVIES PROHIBITED. No person shall construct, maintain, use or permit the existence of a privy within the City. The material contained in any existing privy pit shall be properly treated as required by the Health Officer and the privy pit shall then be filled with compacted soil at least to the original ground level.

(Prior code § 5406)

8.04.080 Arrests for violations—Penal Code provisions adopted.

The City Health Officer, and his/her delegated subordinates pursuant to the provisions of Section 836.5 of the Penal Code, may arrest a person without a warrant whenever the City Health Officer has reasonable cause to believe that the person to be arrested has committed a misdemeanor in his/her presence which is a violation of any statute or ordinance referred to by Section 11.02.030 of Title 11 of the Los Angeles County Health Code as adopted by reference by ordinance of the city. Upon making such an arrest, the El Monte Health Officer or his/her subordinate may release the person arrested pursuant to the provisions of Section 853.6 of the Penal Code, the provisions of which are adopted by reference as part of this section. (Prior code § 5411)

8.04.090 Interfering with duties of the El Monte Health Code Officer prohibited.

No person shall refuse, resist or attempt to resist the entrance of the El Monte Health Officer into any railway car, stage, vehicle, building, room, lot or other place or portion thereof in the city in the performance of his/her duty, or shall refuse to obey any lawful order of the El Monte Health Officer made in the performance of his/her duties within the power conferred upon him/her by state law or by this chapter or by Division I of Title 11 of the

Los Angeles County Health Code as adopted by reference by ordinance of the city. (Prior code § 5412)

8.04.100 Violation—Penalty.

A violation of the provisions of this chapter and/or the Los Angeles County Health Code as adopted by reference is punishable by a fine of not more than one thousand dollars (\$1,000.00) or by imprisonment in the county jail for not more than six (6) months, or by both such fine and imprisonment. Each day during any portion of which any violation of any provision of this chapter and/or the Los Angeles County Health Code as adopted by reference is committed, continued or permitted makes such violation of a separate offense. (Prior code § 5414)

Chapter 8.08

ABANDONED VEHICLES

Sections:

8.08.010	Declaration of policy.
8.08.020	Definitions.
8.08.030	Exceptions.
8.08.040	Enforcement.
8.08.050	Procedures.
8.08.060	Violation—Penalty.

8.08.010 Declaration of policy.

In addition to and in accordance with the determinations made and the authority granted by the state under Section 22660 of the California Vehicle Code to remove abandoned, wrecked, dismantled or inoperative vehicles or parts thereof as public nuisances, the El Monte City Council makes the following finds and declarations:

A. The accumulation and storage of abandoned, wrecked, dismantled, or inoperative vehicles or parts thereof on private or public property not including highways is found to create a condition tending to reduce the value of private property, to promote blight and deterioration, to invite plundering, to create fire hazards, to constitute an attractive nuisance creating a hazard to the health and safety of minors, to create a harborage for rodents and insects and to be injurious to health, safety and general welfare. Therefore, the presence of an abandoned, wrecked, dismantled or inoperative vehicle or part thereof, on private or public property not including highways, except as expressly hereinafter permitted, is declared to constitute a public nuisance which may be abated as such in accordance with the provisions of this chapter.

B. Nothing in this chapter shall authorize the maintenance of a public or private nuisance as defined under provisions of law other than Chapter 10 (commencing with Section 22650) of Division 11 of the Vehicle Code and this chapter.

C. This chapter is not the exclusive regulation of abandoned, wrecked, dismantled or inoperative vehicles within the city. It shall supplement and be in addition to the other regulatory codes, statutes, and ordinances heretofore or hereafter enacted by the city, the state, or any other legal entity or agency having jurisdiction. (Prior code § 5710)

8.08.020 Definitions.

For the purpose of this chapter certain words and phrases shall be construed as follows, unless it is apparent from the context that a different meaning is intended:

“Commission” means the Property Maintenance Commission. This code is hereby amended by substituting all references to “Property Maintenance Commission” with “Hearing Officer.” (Ord. 2551 § 2 (part), 2002)

“Highway” means a way or place of whatever nature, publicly maintained and open to the use of the public for purposes of vehicular travel and shall include street. The term “public property” does not include “highway.”

“Vehicle” means a device by which any person or property may be propelled, moved or drawn upon a highway, except a device moved by human power or used exclusively upon stationary rails or tracks. “Vehicle” means only a vehicle as herein defined whose value does not exceed one hundred dollars (\$100.00) as that value is determined by the Code Enforcement Officer designated by the Council to make such determination. Any such determination of value may be rebutted at the hearing on the removal and assessment of costs. (Prior code §§ 5720—5723)

8.08.030 Exceptions.

This chapter shall not apply to the following:

A. A vehicle or part thereof which is completely enclosed within a building in a lawful manner where it is not visible from the street or other public or private property;

B. A vehicle or part thereof which is stored or parked in a lawful manner on private property in connection with the business of a licensed dismantler, licensed vehicle dealer, a junk dealer, or when such storage or parking is necessary to the operation of a lawfully conducted business or commercial enterprise;

C. A vehicle or part thereof which is located behind a solid fence six (6) feet in height or which is not plainly visible from a highway;

D. Any zone other than zones R-1a, R-1b, R-1c, R-2, R-3 and R-4, as such are now or hereafter may be defined by the zoning regulations of this code. (Prior code §§ 5730—5730.4)

8.08.040 Enforcement.

A. Except as otherwise provided herein, the provisions of this chapter shall be administered and enforced by the Code Enforcement Officer. In the enforcement of this chapter, such officer and his deputies may enter upon private or public property to examine a vehicle or parts thereof, or obtain information as to the identity of a vehicle declared to be a nuisance pursuant to this chapter.

B. When the Council has contracted with or granted a franchise to any person or persons, such person or persons shall be authorized to enter upon private property or public property to remove or cause the removal of a vehi-

cle or parts thereof declared to be a nuisance pursuant to this chapter.

C. Costs. The Council shall from time to time determine and fix an amount to be assessed as administrative costs under this chapter. (Prior code §§ 5740—5741)

8.08.050 Procedures.

A. Hearing Required. A public hearing shall be held on the question of abatement and removal of the vehicle or part thereof as an abandoned, wrecked, dismantled or inoperative vehicle and the assessment of the administrative costs and the cost of removal of the vehicle or part thereof against the property on which it is located.

B. Notice. Notice of hearing shall be mailed at least ten (10) days before the hearing by certified mail, with a five (5) day return requested, to the owner of the land as shown on the last equalized county assessment roll and to the last registered and legal owner of record unless the vehicle is in such condition that identification numbers are not available to determine ownership. If any of the foregoing notices are returned undelivered by the United States Post Office, the hearing shall be continued to a date not less than ten (10) days from the date of such return.

1. Notice of hearing shall also be given to the California Highway Patrol identifying the vehicle or part thereof proposed for removal, such notice to be mailed at least ten (10) days prior to the public hearing.

2. Conduct. All hearings under this chapter shall be held before the Hearing Officer who shall hear all facts and testimony he or she deems pertinent. Said facts and testimony may include testimony on the condition of the vehicle or part thereof and the circumstances concerning its location on the said private property or public property. The Hearing Officer shall not be limited by the technical rules of evidence. The owner of the land on which the vehicle is located may appear in person at the hearing or present a sworn written statement in time for consideration at the hearing, and deny responsibility for the presence of the vehicle on the land, with his or her reasons for such denial.

C. Decision. The Hearing Officer may impose such conditions and take such other action as he or she deems appropriate under the circumstances to carry out the purpose of this chapter. He or she may delay the time for removal of the vehicle or part thereof if, in his or her opinion, the circumstances justify it. At the conclusion of the public hearing, the Hearing Officer may find that a vehicle or part thereof has been abandoned, wrecked, dismantled, or is inoperative on private or public property and order the same removed from the property as a public nuisance and disposed of as hereinafter provided. The order requiring removal shall include a description of the vehicle or

part thereof and the correct identification number and license number of the vehicle, if available at the site. The Inspection Bureau Supervisor shall submit a report to the City Council and the City Council shall determine the administrative costs and the costs of removal so be charged against the owner of the parcel of land on which the vehicle or part thereof is located.

1. If it is determined at the hearing that the vehicle was placed on the land without the consent of the land owner and that he has not subsequently acquiesced in its presence, the Council shall not assess costs of administration or removal of the vehicle against the property upon which the vehicle is located or otherwise attempt to collect such costs from such land owner.

2. Notice of Decision. If an interested party makes a written presentation to the Hearing Officer but does not appear, he or she shall be notified in writing of the decision. In the absence of any appeal to the City Council, the action of the Hearing Officer shall be final and conclusive on the date of service of said decision.

D. Appeal. Any aggrieved party may appeal the decision of the Hearing Officer within nine (9) days after service of the order of the Hearing Officer pursuant to the provisions of Section. The notice of appeal shall be filed in writing with the Secretary of the Hearing Officer, accompanied by a filing fee of thirty-five dollars (\$35.00).

The Council may, not later than the regular meeting following the meeting at which the notice of appeal is received, set the matter for a hearing. If the matter is set for a hearing, the Council may, after the hearing, either reverse and close the proceedings or modify or affirm the order, in which case the decision of the Council shall be final and conclusive. In the case of an appeal to the City Council, the order of the Hearing Officer shall be stayed until the City Council renders its decision, at which time, unless the order is reversed, the order shall become final as modified or affirmed.

E. Removal. Ten (10) days after the order declaring the vehicle or parts thereof to be a public nuisance becomes final, the vehicle or parts thereof may be disposed of by removal to a scrap yard or automobile dismantler's yard. After a vehicle has been removed, it shall not thereafter be reconstructed or made operable.

1. Notice to Department of Motor Vehicles. Within five (5) days after the date of removal of the vehicle or part thereof, notice shall be given to the Department of Motor Vehicles identifying the vehicle or part thereof removed. At the same time there shall be transmitted to the Department of Motor Vehicles any evidence of registration available, including registration certificates, certificates of title and license plates. Such notice shall be

given and all such evidence of registration shall be transmitted to the Department of Motor Vehicles by the person removing such vehicle or part thereof. A copy of the resolution or order authorizing disposition of the vehicle or part thereof pursuant to this section shall be delivered by the city to the person who removes such vehicle or part thereof pursuant to such resolution or order.

2. Costs. If the administrative costs and the cost of removal which are charged against the owner of a parcel of land pursuant to subsection D of this section are not paid within thirty (30) days of the date the order becomes final, such costs shall be assessed against the parcel of land pursuant to Section 38773.5 of the Government Code and shall be transmitted to the tax collector for collection. Said assessment shall have the same priority as other city taxes. (Prior code §§ 5750—5751.2)

8.08.060 Violation—Penalty.

A. It is unlawful and a misdemeanor for any person to abandon, park, store, or leave or permit the abandonment, parking, storing or leaving of any licensed or unlicensed vehicle or part thereof which is in an abandoned, wrecked, dismantled or inoperative condition upon any private property or public property not including highways within the city for a period in excess of five (5) days unless such vehicle or part thereof is completely enclosed within a building in a lawful manner where it is not plainly visible from the street or other public or private property, or unless such vehicle is stored or parked in a lawful manner on private property in connection with the business of a licensed dismantler, licensed vehicle dealer or a junkyard.

B. It is unlawful and a misdemeanor for any person to fail or refuse to remove an abandoned, wrecked, dismantled or inoperative vehicle or part thereof or refuse to abate such nuisance when ordered to do so in accordance with the abatement provisions of this chapter or state law where such state law is applicable. (Prior code §§ 5752, 5752.1)

Chapter 8.10

VENDOR ASSISTED SALES OF TOBACCO

Sections:

- 8.10.010** **Definitions.**
- 8.10.020** **Requirements of vendor assisted sales.**

8.10.010 **Definitions.**

A. "Self-service display" means the open display of tobacco products that the public has access to without the intervention of a store employee, including but not limited to a rack, shelf or counter-top display.

B. "Vendor-assisted sale" means a purchase requiring a direct, face-to-face exchange between the retailer and the customer, in which the vendor has access to the tobacco product, and assists the customer by supplying the product and the customer does not take possession of the product until it is purchased. (Ord. 2547 § 1 (part), 2002)

8.10.020 **Requirements of vendor assisted sales.**

A. It is unlawful for any person, business, or tobacco retailer to sell, permit to be sold, or offer for sale any tobacco product by means of a self-service display, cigarette vending machine, or by any means other than vendor-assisted sales.

B. Any owner or manager of a business or other establishment subject to this chapter may apply to the Community Development Director for an exemption or modification to any provision of this chapter due to unusual circumstances or conditions not related to youth access to tobacco products. Such exemption shall be granted only if the Community Development Director finds from the evidence presented by the applicant for the exemption either that:

1. The applicant cannot comply with the provisions of this chapter for which an exemption is requested without incurring expenses for structural or other physical modifications, other than posting signs, to buildings and structures, or

2. The failure to comply with the provision for which exemption is requested will not result in increasing youth access to tobacco products. (Ord. 2547 § 1 (part), 2002)

Chapter 8.16**FIREWORKS****Sections:**

- 8.16.010** **Sale of fireworks.**
- 8.16.020** **Use of permits.**
- 8.16.030** **Fireworks permits and stands.**
- 8.16.040** **Fireworks stands—Removal by city.**

8.16.010 Sale of fireworks.

No person shall sell any blank cartridge, firecracker or other fireworks without a permit from the city to do so. Except as otherwise provided in Section 8.16.030, no permit required by this chapter shall be issued other than to:

A nonprofit association, as defined by Section 21000 of the California Corporations Code, including any association set forth in Section 21200 of such code, or a nonprofit corporation formed and conducted in accordance with Part 3 of Division 2 of Title 1 of the Corporations Code; provided, that such association or corporation has its principal and permanent meeting place situated within the city, has for more than five (5) years continuously maintained a local unit, branch, lodge or club with a bona fide membership of at least twenty (20) members within the city, has a valid and current certificate of tax exemption, as provided in Section 214 of the Revenue and Taxation Code, and is subject to charitable exemptions, as provided in Article 3 of Chapter 4 of Part 9 of Division 2 of the California Revenue and Taxation Code. (Prior code § 6390)

8.16.020 Use of permits.

The net proceeds of the sale of fireworks under a permit issued pursuant to this chapter shall be expended solely for charitable purposes within the city. On or before the end of the calendar year during which a permit is issued pursuant to this chapter, the permittee shall file with the Administrative Office an itemized account of the receipts and expenditures of such permittee received and made in connection with the purchase and sale of fireworks under such permit. Prior to or concurrent with the filing of an application for a permit under this chapter, the applicant shall, if he or she has had a prior such permit, file an accounting of the disbursements of the net proceeds shown by his or her accounting made pursuant to this section. No permit shall be issued to any person or organization which has previously obtained such a permit and has failed or refused to file an accounting as required by this section or who has expended any of the proceeds of the sale of fireworks in any manner or for any purpose other than as specified in

this section. Net proceeds, as used in this section, means the gross proceeds emanating from the sale of fireworks less the cost of the fireworks, the cost of providing a fireworks stand or location, and the amount of all taxes, business licenses, permit fees and other similar charges, but excluding any compensation or any remuneration in any way paid to any person for the purpose of assisting in the sale of fireworks under this chapter. (Prior code § 6390.1)

8.16.030 Fireworks permits and stands.

A. The maximum number of fireworks permits that may be issued each year by the city shall be established and from time to time amended by resolution of the El Monte City Council, provided, however, that the maximum number of permits authorized by any such resolution may not exceed twenty-five (25) fireworks permits in any calendar year. Any resolution to establish or amend the maximum number of permits issued each calendar year shall require a minimum of three (3) affirmative votes for approval and shall remain effective until repealed and/or superseded by subsequent resolution. Commencing in the year 2008, any resolution to amend the number of fireworks permits issued in a calendar year must be approved by the City Council no later than the last day of February of each calendar year. Applications for fireworks permits shall be submitted between March 1 and May 1 of each calendar year. No more than one fireworks permit shall be issued to any one organization during any one calendar year. Each fireworks permit issued by the city shall authorize the sale of fireworks in one location within the city. No duly permitted fireworks stand may exceed thirty-three (33) feet in length. No fireworks permit issued shall remain valid beyond the expiration date set forth in the permit, or if no such date is set forth, beyond eight p.m. on July 4th of the calendar year in which the permit is issued.

B. Cash Deposit. In addition to all fees and deposits required by this code, every application for a permit to construct a fireworks stand shall be accompanied by a deposit of fifty dollars (\$50.00) in cash to guarantee the removal of such stand within the time specified by the Uniform Fire Code.

C. Compliance with Fire Prevention Code. Every permit for the sale of fireworks shall be subject to and shall include by reference all of the provisions of the Uniform Fire Code.

D. Every application for a permit to construct a fireworks stand shall be accompanied by written authorization of the owner of record of the property upon which the stand is to be located. If the property is leased, the application shall be accompanied by written authorization of the lessor. The name, address and telephone number of the

person or entity granting the authority shall be included in the authorization statement. (Ord. 2693 § 2, 2007; Ord. 2674 § 2, 2006; amended during 1999 recodification; Ord. 2487 § 1, 1998; Ord. 2486 § 2, 1998; prior code §§ 6391—6391.3)

8.16.040 Fireworks stands—Removal by city.

Any fireworks stand erected or maintained contrary to the provisions of this code may be summarily removed by the city. The costs of such removal shall constitute a joint and several obligation of each and every person causing or permitting such maintenance of a fireworks stand contrary to the provisions of this code. (Prior code § 6395.3)

Chapter 8.20

**SOLID WASTE—REMOVAL, COLLECTION,
DISPOSAL AND DIVERSION**

Sections:

- 8.20.010 Duty to secure containers.
- 8.20.020 Proper placement/storage of waste and waste containers.
- 8.20.030 Prohibition against scavenging.
- 8.20.040 Prohibition against unauthorized tampering or removal of containers or bins.
- 8.20.050 Prohibition against burial and improper depositing of wastes.
- 8.20.060 Prohibition against unlawful collection/retention of franchisee.
- 8.20.070 Prohibition against the depositing of wastes into the container of another.
- 8.20.080 Prohibition against contamination of recyclable materials/solid waste.
- 8.20.090 Prohibition against placement of wastes in the public right-of-way.
- 8.20.100 Prohibition against accumulation of wastes.
- 8.20.110 Prohibition against burning of wastes.
- 8.20.120 Prohibition against illegal dumping.
- 8.20.130 Prohibition against street transfers.
- 8.20.140 Disposition of green waste.
- 8.20.150 Donation and sale of recyclable materials.
- 8.20.160 Residential premises—Adherence to storage, handling and disposal requirements.
- 8.20.170 Commercial and multifamily premises—Adherence to storage, handling and disposal requirements.
- 8.20.180 Temporary projects—Solid waste handling.
- 8.20.190 Transfer or processing stations and solid waste recovery facilities.
- 8.20.200 Violation—Penalty.
- 8.20.210 Source reduction and recycling element.
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- 8.20.260 Projects subject to C&D diversion requirements.
- 8.20.261 C&D diversion requirements.
- 8.20.262 C&D collection options.
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- 8.20.265 False information.
- 8.20.266 Enforcement.
- 8.20.267 Appeal.
- 8.20.268 Trash bin encroachment permits.
- 8.20.270 Definitions.

8.20.010 Duty to secure containers.

All containers used to gather, contain and/or temporarily place solid waste and/or recyclable materials pending collection by a franchisee shall be stored with the tops securely closed or fastened when stored outdoors. All such containers shall also be maintained so that no solid waste or recyclable materials placed therein escape from the container. (Ord. 2701 § 3 (part), 2007)

8.20.020 Proper placement/storage of waste and waste containers.

A. General Prohibitions. No person shall store or otherwise place solid waste, hazardous substances, hazardous waste, hazardous contaminants, radioactive waste, medical waste, recyclable materials or any container containing the same:

1. Within any public street, sidewalk or other public right-of-way;
2. Within any residential front yard setback area; or
3. Within any portion of a residential sideyard setback visible from the public street or other public right-of-way.

B. Limited Exception to General Prohibition. Subsection A of this section notwithstanding, the temporary placement of a cart within the public right-of-way shall be permitted for purposes of routine collection by a franchisee provided:

1. The cart is placed at the specific location within the public right-of-way designated by the franchisee performing collection services or at such other location as may be designated by the city in the interest of public safety; and
2. Placement of the cart at the right-of-way location so designated by the franchisee will not result in the obstruction of pedestrian or vehicle traffic or otherwise pose an unreasonable danger to pedestrians or vehicles using the public right-of-way; and

3. Such cart is so placed no earlier than four p.m. of the day immediately preceding the day upon which solid waste and/or recyclable materials are routinely collected by the franchisee and are thereafter removed no later than seven p.m. on the collection day.

C. Limited Placement of Bins. Subsection A of this section notwithstanding, the temporary placement of a bin within the public right-of-way shall be permitted for purposes of routine collection by a franchisee provided:

1. It is impossible or otherwise infeasible for the franchisee to collect waste from the bin while the bin is situated upon the premises to which it has been provided;

2. The bin is placed at a specific location within the public right-of-way designated by the franchisee performing collection services or at such other location as may be designated by the city in the interest of public safety;

3. Placement of the bin at the right-of-way location so designated by the franchisee will not result in the obstruction of pedestrian or vehicle traffic or otherwise pose an unreasonable danger to pedestrians or vehicles using the public right-of-way; and

4. The bin is reflectorized on all four (4) sides. Such bins must also be equipped with such other safety devices as may be mandated by the Environmental Services Division or by way of a franchise agreement between the city and the franchisee who has provided the bin; and

5. The bin is so placed no earlier than four a.m. of the day upon which solid waste and/or recyclable materials are routinely collected by the franchisee and are thereafter removed no later than seven p.m. of the same day.

The placement of bins in strict accordance with the terms and conditions of a trash bin encroachment permit issued pursuant to Section 8.20.268 of this chapter is also permitted.

D. Exceptions to the Exceptions. No container may be placed or stored on a public street during posted street sweeping hours. No container may be placed or stored on a public street, sidewalk or on any portion of the public right-of-way during such other restricted periods as may be posted by the city.

E. Storage in Violation of Land Use Approvals. Except as otherwise authorized under this chapter, no person may store or place solid waste, hazardous waste, hazardous substances, hazardous contaminants, medical waste or radioactive waste or any container containing the same upon any premises or other real property parcel in a manner, or at a location, that violates or is otherwise contrary to any city-approved land use authorization, including but not limited to the terms of any applicable conditional use permit, subdivision map, parcel map, variance or modification.

F. Pickup Hours for Franchisees.

1. The collection and pickup of solid waste by a franchisee as authorized by way of a franchise agreement shall be restricted to the hours of six a.m. to seven p.m. Monday through Friday and the hours of eight a.m. to six p.m. on Saturday, except as otherwise authorized by way of a valid city permit, franchise agreement or other written authorization from the city.

2. No franchisee may conduct pickups or collections on Sunday, except as otherwise authorized by way of a valid city permit, franchise agreement or other written authorization from the city. (Ord. 2701 § 3 (part), 2007)

8.20.030 Prohibition against scavenging.

A. General Prohibition. No person shall remove, rummage through or scavenge the contents of any container used to gather, contain and/or store solid waste and/or recyclable materials pending routine collection by a franchisee.

B. Limited Exceptions to General Prohibition. The prohibition set forth under subsection A of this section shall not apply to:

1. The owner of the container;

2. The owner (including the agents and employees of the owner) of any premises, or real property parcel to which the container has been provided pursuant to a contractual arrangement authorized under this chapter between the owner and a franchisee;

3. The tenant (including the agents and employees of the tenant) of any premises or other real property parcel to which the container has been provided pursuant to a contractual arrangement authorized under this chapter between the tenant and the franchisee who has provided the container;

4. The tenant (including the agents and employees of the tenant) of any premises or other real property parcel where the container in question has been provided incident to the tenant's tenancy and for the tenant's exclusive use;

5. The agents or employees of any franchisee.

For purposes of this subsection B, any exception accorded to "agents or employees" shall require that such "agents or employees" be acting in the normal and lawful course and scope of their agency or employment. To the extent such agents or employees are not acting within the normal and lawful course and scope of their agency, the exceptions afforded under this subsection B shall not apply. (Ord. 2701 § 3 (part), 2007)

8.20.040 Prohibition against unauthorized tampering or removal of containers or bins.

A. General Prohibition. With respect to any container provided by a franchisee to a person, premises or other real property parcel, no person may:

1. Tamper or meddle with the container;
2. Damage, deface or destroy the container;
3. Remove the container from private or public property; or
4. Remove the container from any location where it has been lawfully placed for the purpose of having its contents routinely collected by a franchisee.

B. Container Owner's Exception to General Prohibition. The prohibitions set forth under subsection A of this section shall not apply to the owner of the container or the owner's agents or employees acting the normal and lawful course and scope of their agency or employment. Nothing in this subsection B shall authorize a container owner or its agents or employees to enter upon any secured and/or restricted portion of private or public property to remove a container without the consent of the real property owner or any person who exercises lawful possession and control over such real property.

C. Property Owner's and Tenant's Exception to General Prohibition. The prohibitions set forth under subsections (A)(3) and (4) of this section shall not apply to the owner or tenant of the private or public property to which the container has been provided; nor shall these same prohibitions apply to the agents or employees of the owner or tenant of such real property, provided such agents or employees are acting in the normal and lawful course and scope of their agency or employment. (Ord. 2701 § 3 (part), 2007)

8.20.050 Prohibition against burial and improper depositing of wastes.

No person may deposit or bury, or cause to be deposited or buried, solid waste, hazardous substances, hazardous waste, hazardous contaminants, radioactive waste or medical waste upon any premises or other real property parcel located within the city. No person may authorize the depositing or burying of solid waste, hazardous substances, hazardous waste, hazardous contaminants, radioactive waste or medical waste anywhere within the city. (Ord. 2701 § 3 (part), 2007)

8.20.060 Prohibition against unlawful collection/retention of franchisee.

A. No person, other than a franchisee, may provide any of the following varieties services within the city:

1. Solid waste handling services; and/or
2. Services for the collection, transportation, storage, transfer or processing of recyclable materials where such services are rendered for compensation in a manner resulting in a net payment to the person rendering such services.

B. Except as otherwise provided under this chapter, the owner or occupant of any nonvacant premises must retain the services of a franchisee duly authorized to serve the premises in question in accordance with the franchise it has been awarded and the franchise agreement to which it is a party. (Ord. 2701 § 3 (part), 2007)

8.20.070 Prohibition against the depositing of wastes into the container of another.

No person may take solid waste, hazardous substances, hazardous waste, hazardous contaminants, radioactive waste, or medical waste generated from one premises or other real property parcel within the city and:

1. Deposit the same at another premises or upon another real property parcel within the city; or
2. Deposit the same in a container provided for the use of another premises or other real property parcel within the city. (Ord. 2701 § 3 (part), 2007)

8.20.080 Prohibition against contamination of recyclable materials/solid waste.

No person may knowingly contaminate solid waste, recyclable materials and/or green waste which has been placed in a container for collection with any substance which may cause the final disposition of such materials to be unacceptable for potential recycling, reuse or remanufacture regardless of whether or not the material possesses the ability to be cleaned, purified, or otherwise reconditioned for placement into a qualified waste stream or other remanufacture, recycling or reuse process. Such prohibited contaminants include but are not limited to hazardous substances, hazardous waste, hazardous contaminants, radioactive waste and medical waste. (Ord. 2701 § 3 (part), 2007)

8.20.090 Prohibition against placement of wastes in the public right-of-way.

No person shall scatter or accumulate solid waste; hazardous substances; hazardous waste; hazardous contaminants; radioactive waste; medical waste; or the like upon any public street, sidewalk or public right-of-way. (Ord. 2701 § 3 (part), 2007)

8.20.100 Prohibition against accumulation of wastes.

A. Any person who owns, leases or otherwise occupies a premises or other real property parcel within the city shall keep the same in a neat, clean and sanitary condition. Any person who acts as the agent or employee of a person who owns, leases or otherwise occupies a premises or other real property parcel within the city shall keep the same in a neat, clean and sanitary condition.

B. No person shall accumulate, or permit the accumulation of, solid waste; hazardous substances; hazardous waste; hazardous contaminants; radioactive waste; medical waste; or stagnant water, upon any premises or other real property parcel within the city. (Ord. 2701 § 3 (part), 2007)

8.20.110 Prohibition against burning of wastes.

A. General Prohibition. No person may burn any solid waste, hazardous substance, hazardous waste, hazardous contaminants, radioactive waste or medical waste within the city.

B. Limited Exception to General Prohibition. Subsection A of this section notwithstanding, the burning of solid waste shall be permitted provided:

1. Such burning is conducted at a properly licensed and permitted, city-approved incinerator or transformation facility; or is conducted with the use of a device for which a city permit has been issued;

2. The incinerator or transformation facility complies with all applicable orders, rules, regulations and laws of the city; the South Coast Air Quality Management District; the state of California; the federal government of the United States of America; and

3. The incinerator facility or transformation facility maintains and is in compliance with any and all required permits issued by South Coast Air Quality Management District and all other agencies with oversight of air quality. (Ord. 2701 § 3 (part), 2007)

8.20.120 Prohibition against illegal dumping.

No person may dump, deposit, release, spill, leak, pump, pour, emit, empty, discharge, inject, bury or dispose of solid waste, hazardous substances, hazardous waste, hazardous contaminants, medical waste, or radioactive waste upon any premises or other real property parcel within the city. (Ord. 2701 § 3 (part), 2007)

8.20.130 Prohibition against street transfers.

A. General Prohibition. No person may transfer the load of one collection vehicle to another collection vehicle

upon any public street, public right-of-way, or public property; or upon any private property, the lawful use of which does not include such handling of solid waste, hazardous substances, hazardous waste, hazardous contaminants, radioactive waste, or medical waste.

B. Exception to General Prohibition. The prohibition set forth under subsection A of this section shall not apply under any circumstance in which a vehicle to vehicle transfer is necessary owing to mechanical failure or damage to the vehicle from which a load is removed. (Ord. 2701 § 3 (part), 2007)

8.20.140 Disposition of green waste.

A. Nothing in this chapter shall prevent any person from gathering green waste generated by a premises or other real property parcel owned or occupied by such person, provided such gathering is performed in compliance with, and/or in the furtherance of, a composting or other green waste recycling program approved by the city or otherwise authorized under state law.

B. Nothing in this chapter shall prevent the gathering, removal and transportation of uncontaminated green waste generated by a premises or other real property parcel by a person possessing a city business license for lawn and gardening services where such green waste is gathered incident to the performance of landscaping and garden services authorized under the city business license. (Ord. 2701 § 3 (part), 2007)

8.20.150 Donation and sale of recyclable materials.

Nothing in this chapter shall limit the right of any person to donate or sell recyclable materials owned by that person, provided that any such donation, sale or other disposal is performed in accordance with the provisions of this chapter. (Ord. 2701 § 3 (part), 2007)

8.20.160 Residential premises—Adherence to storage, handling and disposal requirements.

A. General Requirement. No owner or occupant of a residential premises shall engage in conduct that constitutes a violation of the prohibitions set forth under this chapter.

B. Retention of Franchisee. Except as otherwise authorized under this chapter, each owner of a nonvacant residential premises shall be required to retain the services of a franchisee for the provision of:

1. Solid waste handling services; and/or
2. Services for the collection, transportation, storage, transfer and/or processing of recyclable materials where

such services are rendered for compensation in a manner that results in a net payment to the person rendering such service.

Solid waste generated by, or otherwise accumulated upon, a residential premises shall be removed from the premises on a weekly basis at a minimum so as to prevent the unsanitary, unhealthy and/or unsightly accumulation of solid waste or to otherwise prevent the creation of a public nuisance.

C. **Retention of Franchisee by Tenant.** The owner of a nonvacant residential premises may authorize an occupying lessee or licensee to contract directly with a franchisee provided:

1. Such authorization is accomplished by way of a binding written agreement between the owner and the lessee or licensee (e.g., as a term of any lease or license agreement); and

2. The franchisee retained by the lessee or licensee is one duly authorized under the terms of its franchise agreement to serve the residential premises in question.

D. **Primary Responsibility of Owner.** No delegation of responsibility authorized under subsection C of this section shall operate to relieve the owner of a nonvacant residential premises of the primary responsibility to maintain the owner's residential premises in compliance with this chapter and adhere to all of the prohibitions and requirements set forth herein including but not limited to the requirement to retain a franchisee. The owner or occupying lessee or licensee of the residential premises, whichever the case may be, shall maintain any account with a franchisee in good standing and shall not allow such account to become delinquent.

E. **Residential Delinquencies.** No agreement between a residential premises customer and a residential premises franchisee may impose delinquent billing provisions inconsistent with those set forth under this section. A service bill lawfully issued by a residential premise franchisee shall be considered past due if not paid by a residential premises customer within forty (40) calendar days from the date payment is due or such longer grace period as may be authorized by written agreement between the customer and the residential premises franchisee. If a service bill becomes past due, the residential premises franchisee shall be required to issue notice to the residential premises customer that the service bill is delinquent. If the service bill is not paid in full within seventy-five (75) calendar days from the date the service bill is deemed past due, the residential premises franchisee shall issue a second notice of delinquency; this second notice of delinquency shall be sent to the residential premises customer and to the owner of the residential premises, if different from the residential

premises customer. Each delinquency notice shall include the following information at a minimum:

1. A statement advising the customer that the service bill is past due;
2. Information as to the service period to which the past due sums relate; and
3. Information as to where the customer remit any and all past due sums;
4. Information as to the proper procedures for disputing any sums set forth in a service bill; and
5. Notice in bold print and capital letters that the matter will be submitted to the city for collection pursuant to the tax lien procedures established under this section, if the bill is not paid within twenty-one (21) calendar days from the date a second notice of delinquency is dated.

No later than the close of business on May 1st of each calendar year, a residential premises franchisee may submit to the city a schedule of all unpaid delinquent billings from May 1st of the preceding year to the present accompanied by the corresponding parcel number for the residential premises in question, as established or otherwise utilized by the Los Angeles County Assessor. The schedule shall also state the amount due for each account for inclusion of said amount upon the property tax roll for collection by the Los Angeles County Assessor's Office. No delinquent billing shall be eligible for submission to the city on or before the twenty-first day following the issuance of the franchisee's second billing notice. No delinquent billing shall remain eligible for submission to the city after one year from the date the delinquent billing first becomes eligible for submission to the city.

F. **Right of Customers to Dispute Bill.** Nothing in subsections D and E, above, shall be interpreted to prevent a residential premises customer or the owner of a residential premises from pursuing or availing himself or herself of all legal means for disputing any charges or fees billed by a residential premises franchisee. (Ord. 2701 § 3 (part), 2007)

8.20.170

Commercial and multifamily premises—Adherence to storage, handling and disposal requirements.

A. **General Requirement.** No owner or occupant of a commercial premises or a multifamily premises shall engage in conduct that constitutes a violation of the prohibitions set forth under this chapter.

B. **Retention of Franchisee.** Except as otherwise authorized under this chapter, each owner of a nonvacant commercial premises or a nonvacant multifamily premises shall be required to retain the services of a franchisee for the provision of:

1. Solid waste handling services; and/or
2. Services for the collection, transportation, storage, transfer and/or processing of recyclable materials where such services are rendered in exchange for compensation in a manner that results in a net payment to the person rendering such services.

Solid waste generated by, or otherwise accumulated upon, a commercial premises or multifamily premises shall be removed from the premises on a weekly basis at a minimum so as to prevent the unsanitary, unhealthy and/or unsightly accumulation of solid waste; or to otherwise prevent the creation of a public nuisance.

C. **Retention of Franchisee by Tenant.** The owner of commercial premises occupied by a single lessee or a single licensee may authorize the lessee or licensee to contract directly with a franchisee provided:

1. Such authorization is accomplished by way of a binding written agreement between the owner and the lessee or licensee (e.g., as a term of any lease or license agreement); and
2. The franchisee retained by the lessee or licensee is one duly authorized under the terms of its franchise agreement to serve the commercial premises in question. The owner of a multifamily premises may not delegate responsibility for retaining a franchisee to the occupants of a multifamily premises.

D. **Primary Responsibility of Owner.** No delegation of responsibility authorized under subsection C of this section shall operate to relieve the owner of a commercial premises of the primary responsibility to maintain the owner's commercial premises in compliance with this chapter and adhere to all of the prohibitions and requirements set forth herein including but not limited to the requirement to retain a franchisee. (Ord. 2701 § 3 (part), 2007)

8.20.180 Temporary projects—Solid waste handling.

A. **Retention of Temporary Services Franchisee.** Except as otherwise authorized under this chapter, the owner of a premises or other real property parcel or the owner's duly authorized agents, employees, contractors shall be required to retain a franchisee duly authorized to provide temporary services in connection with any of the following:

1. Any project, activity or undertaking involving construction, demolition, additions, alterations, remodeling, encroachments, tenant improvements or grading when such projects, activities or undertakings require a building, demolition, encroachment and/or grading permit;

2. Any renovation and repair projects performed at all varieties of premises (including but not limited to roof tear-offs);

3. Any premises cleanouts (including but not limited to apartment cleanouts);

4. Any warehouse cleanups;

5. Nuisance and/or weed abatement cleanups; or

6. Any street/road maintenance cleanups.

B. **Primary Responsibility of Owner.** No delegation of responsibility authorized under subsection A of this section shall operate to relieve the owner of a premises or other real property parcel from the primary responsibility to retain a temporary services franchisee in connection with any of the types of projects, activities or undertakings enumerated under subsection A of this section. (Ord. 2701 § 3 (part), 2007)

8.20.190 Transfer or processing stations and solid waste recovery facilities.

No person shall operate a transfer station, processing station, landfill, material recovery facility or any other facility covered under the provisions of the Public Resources Code Sections 40100 through 44107, 44150 and 44152, or any other applicable sections of the Public Resources Code relative to such operations, including those sections specified in Division 31 commencing with Section 50000, as any of aforementioned sections may be amended from time to time, from or at any location within the city, unless such person is authorized to do so by the granting of a franchise by the City Council pursuant to this chapter. (Ord. 2701 § 3 (part), 2007)

8.20.200 Violation—Penalty.

The violation of any provision of this chapter shall constitute a misdemeanor punishable by imprisonment in a city or county jail not exceeding six (6) months, or by fine not exceeding one thousand dollars (\$1,000.00), or both. Each separate day, or any portion thereof during which any violation of this chapter occurs or continues shall constitute a separate offense and, upon conviction thereof, shall be punishable as provided in this section. (Ord. 2701 § 3 (part), 2007)

8.20.210 Source reduction and recycling element.

The Deputy City Manager for Community Development shall prepare a source reduction and recycling element, inclusive of a household hazardous waste element (collectively, an "SRRE"). The SRRE shall be submitted to the City Council for approval in accordance with AB 939. Thereafter, the Deputy City Manager for Community

Development shall submit periodic written reports to the City Council detailing the city's implementation of any and all programs set forth under the SRRE. An initial report shall be submitted to the City Council no later than December 1, 1992 and thereafter the Deputy City Manager for Community Development shall submit additional reports in accordance with a schedule of SRRE program implementation and assessment reports as adopted by City Council resolution. A copy of the SRRE shall be maintained for inspection and copying as a public record in the office of the City Clerk. (Ord. 2701 § 3 (part), 2007)

8.20.220 Administrative rulings.

A. The City Manager may issue and disseminate administrative rulings to customers, franchisees and any other person providing solid waste handling services; or providing services for the collection, transportation, storage, transfer or processing of recyclable materials:

1. Indicating whether or not such services may lawfully be rendered to a particular premises or customer in accordance with this chapter or any franchise awarded pursuant to Chapter 18.12 (Solid Waste Handling Franchises) of the El Monte Municipal Code; or

2. Any other dispute or disagreement between a franchisee and a customer concerning the manner in which service is to be provided, or may be provided, pursuant to this chapter, Chapter 18.12 or an applicable franchise agreement.

B. Such administrative rulings are intended to resolve any disagreement or dispute as between customers, franchisees and/or any other person operating within the city. (Ord. 2701 § 3 (part), 2007)

8.20.260 Projects subject to C&D diversion requirements.

A. Covered C&D Projects. Any project, activity or undertaking involving construction, demolition, additions, alterations, remodeling, encroachments, tenant improvements or grading within the city shall be considered a "covered project" for purposes of this chapter when such project, activity or undertaking requires a demolition permit, building permit, encroachment permit and/or grading permit.

B. Exceptions. Subsection A of this section notwithstanding, the following projects, activities or undertaking shall not be considered covered projects within the meaning of this chapter.

1. Any demolition and construction undertaking in which two (2) or fewer detached single-family residential dwellings situated on a single lot or real property parcel are demolished and thereafter replaced with two (2) or

fewer detached single-family residential dwellings on the same parcel;

2. Any construction project with an estimated project cost of less than or equal to one hundred thousand dollars (\$100,000.00) as set forth in the approved building permit;

3. Any "public works" project as the term is defined under Section 1720 of the California Labor Code; provided where the total estimated project costs is valued at one hundred thousand dollars (\$100,000.00) or less;

4. Any construction project of less than one thousand (1,000) square feet as set forth in the approved building permit;

5. Any project, activity or undertaking for which only a plumbing, electrical or mechanical permit is required; and

6. Nuisance and/or weed abatement cleanups. (Ord. 2701 § 3 (part), 2007)

8.20.261 C&D diversion requirements.

A. Fifty (50) Percent Waste Diversion Standard for Covered Projects. Each covered project applicant shall cause at least fifty (50) percent by weight of C&D materials generated by the covered project to be diverted from landfilling or other form of disposal. The foregoing notwithstanding, the city reserves the right to increase the mandated level of diversion above fifty (50) percent by way of City Council resolution.

B. Calculating Compliance. As a means of confirming compliance with subsection A of this section, the diversion of C&D materials shall be calculated by dividing (1) the total weight of C&D materials generated by but diverted from a covered project; by (2) the total weight of all wastes generated by the covered project. The total weight of all wastes generated by a covered project equals the sum of: (1) all C&D materials generated by but diverted from the covered project; plus (2) the weight of all other waste generated by the covered project. The calculations used to ascertain compliance with the diversion requirements of this section must be based upon the data documented by and derived from weight receipts and recycling receipts issued by any and all facilities that receive an applicant's C&D materials and/or nondiverted wastes. The City Council, by resolution, may also require such additional documentation as may be required to precisely and reliably verify compliance provided the city's request for such additional documentation does not conflict with approved guidelines or protocols of the California Integrated Waste Management Board.

C. Performance Security.

1. Any person who applies for a demolition, building, encroachment and/or grading permit in connection

with a covered project shall submit, along with an application for the same, a performance security in an amount set forth in the security schedule which shall be established, and from time to time, amended, by way of a City Council resolution. For purposes of this chapter, "performance security" means a noninterest-bearing deposit in cash; check; money order or credit card acceptable to the city. Performance security, in the sole discretion of the Chief Building Official, may also include a corporate surety bond or instrument of credit including a letter of credit as approved by the Chief Building Official on a case-by-case basis in his or her reasonable discretion.

2. If the Chief Building Official determines the applicant has complied with the diversion mandates of this section, he or she shall cause the performance security to be released to the applicant within thirty (30) days from the date the Chief Building Official issues written notice of compliance. The performance security shall also be released if the Chief Building Official determines that the performance security was erroneously paid or collected; or that permit(s) applied for in connection with the covered project have been expressly withdrawn in writing before any work authorized under any permit(s) has commenced; in either event, the performance security shall be refunded within thirty (30) days from the date the Chief Building Official is reasonably satisfied that either circumstance applies.

3. If the Chief Building Official determines the applicant has failed to comply with the diversion mandates of this section, the applicant shall forfeit that percentage of the total deposit equivalent the percentage by which the applicant has failed to meet the mandated diversion requirements (e.g., If the applicant achieves only twenty-five (25) percent diversion, the applicant shall forfeit fifty (50) percent of the performance security as the applicant was only successful in achieve half of the mandated fifty (50) percent diversion objective). The applicant's failure to meet the diversion requirements of this section notwithstanding, the amount of a partial refund afforded an applicant may be increased if the work performed pursuant to a city-issued permit(s) results in the covered project obtaining certification under the "Leadership in Energy and Environmental Design" ("LEED") green building rating system of the United States Green Building Council. The amount of the refund credit shall be in accordance with a credit schedule established, and from time to time amended, by City Council resolution. The amount of the credit received shall correlate with the level of certification obtained and such other criteria as may be established by City Council resolution. The foregoing notwithstanding, no such credit shall be made available until such time as

the credit schedule and related criteria are established and approved by the City Council.

4. All forfeited performance security sums shall be placed in a designated fund for the purpose of:

1. Recovering costs associated with the administration and enforcement of this chapter (excluding costs recovered through the administrative fee set forth in subsection D of this section, below);

2. Furthering the recycling programs and diversion goals of the city; and

3. The development and improvement of infrastructure that will further the diversion objectives of this chapter.

Such funds may not be granted, loaned or otherwise deposited into the city's general fund and must be used solely for the purposes enumerated above.

D. Administrative Fee. In addition to the performance security, the applicant shall also pay a nonrefundable administrative fee in an amount equivalent to one percent of the covered project's value. The foregoing notwithstanding, the aforementioned administrative fee may not exceed the sum of five thousand dollars (\$5,000.00). (Ord. 2701 § 3 (part), 2007)

8.20.262 C&D collection options.

A. Collection Options. All solid waste (inclusive of C&D materials) generated by a covered project must be collected in one of two (2) manners:

1. Through the use a temporary services franchisee; or

2. By means of self-hauling.

B. Nonfee Recycling Pickup/Sale or Donation of Recyclable Materials.

1. Subsection A of this section notwithstanding, an applicant may allow the third party collection of source separated recyclable materials; provided such service is rendered free of charge or is otherwise render in a manner that results in a net payment to the applicant, not the person rendering the service.

2. Subsection A of this section notwithstanding, an applicant may donate or sell source separated recyclable materials to a third party.

C. Except as otherwise permitted under this subsection B, the processing of solid waste shall be conducted at a duly licensed and/or permitted processing facility approved by the city in writing. (Ord. 2701 § 3 (part), 2007)

8.20.263 Mandatory C&D reporting requirements.

A. Preparation and Submission of Diversion Plan. Along with any application for a demolition, building, encroachment and/or grading permit, the applicant for a

covered project shall also prepare and submit a diversion plan which:

1. Identifies and describes the nature and purpose of the covered project and its estimated completion period;
2. Identifies the types of improvements to be made in the furtherance of the covered project;
3. Identifies the types of on-site work activities to be performed in the furtherance of the covered project;
4. Identifies and describes in reasonable detail the practices, methods, and procedures that will be employed over the course of the covered project in order to meet the diversion requirements set forth under Section 8.20.261, above;
5. Identifies all materials (including C&D materials) targeted for diversion;
6. Includes a detailed description of the applicant's reporting methodology; and
7. Includes a brief summary of training provided to employees.

The diversion plan shall be reviewed by the Chief Building Official. The Chief Building Official may approve the diversion plan as submitted; approve the submitted diversion plan subject to amendments, modifications and other conditions; or reject the diversion plan as submitted. The applicant shall comply with the terms of the diversion plan approved by the Chief Building Official.

B. **Final Diversion Report.** Within sixty (60) days from the date of completion of any covered project as evidenced by the issuance of a certificate of occupancy, the applicant shall submit a final diversion report (hereinafter, the "final report") to the Chief Building Official, which report shall assist the Chief Building Official in determining whether the diversion requirements of Section 8.20.261 have been met with respect to the covered project. The final report, at a minimum, shall include the following:

1. A detailed summary of efforts made to meet the diversion requirement set forth in a form approved by the city;
2. A copy of the hauling agreement with the temporary services franchisee authorized to provide temporary services within the geographic area in which the covered project is located;
3. All invoices received from the temporary services franchisee serving the covered project if a temporary services franchise is used to collect solid waste (including C&D materials) generated by the covered project;
4. If the applicant engages in self-hauling, all weight tickets and receipts from the facilities that received C&D materials generated by the covered project showing the actual weight of material accepted at the facility and the

amount of the material that was diverted and disposed of. The weight report must be from scales in compliance with the state and county regulatory requirements for accuracy and maintenance. For solid waste (including C&D materials) for which weighing is not practical due to small size or other considerations, the material type and a volumetric measurement shall be reported;

5. If the covered project contains contamination by hazardous contaminants, hazardous substances, hazardous waste, medical waste or radioactive waste, the applicant shall be required to provide documentation demonstrating and evidencing the pre-existence and/or prior occurrence of such contaminants through no fault of the applicant. The applicant shall also provide receipts, or other like documentation from the facility that received the contaminants as well as the actual weight of contaminants accepted;

6. Any additional information the applicant believes is relevant to describing its efforts to comply with this chapter.

C. **Interim Progress Report.** In addition to the plans and reports required under subsections A and B of this section, the applicant shall prepare and submit an interim progress for any covered project with an estimated completion period of sixty (60) days or more. All interim progress reports shall be submitted to the Chief Building Official within five (5) calendar days of the mid-point of the estimated completion period. The interim progress report shall:

1. Provide a detailed update on the applicant's efforts to implement and comply with the requirements of the approved diversion plan;
2. Identify any changes in ownership of the covered project and/or the project site; and
3. State and specifically identify any additional information which may impact the ability of the applicant to meet the diversion requirements of this chapter.

D. **Revisions to Estimated Completion Date for Covered Projects.** If the applicant for a covered project with an initial estimated completion period of less than sixty (60) days later determines that completion of the covered project will likely require sixty (60) days or more, the applicant shall communicate such determination in writing to the Chief Building Official along with a revised estimated completion period and an explanation as to the reason why the initial estimated completion period must be revised. If this determination is made prior to the mid-point of the revised estimated completion period, an interim progress report shall be due within five (5) calendar days of the mid-point of the revised estimated completion period. If the determination is made after the mid-point of the re-

vised estimated completion period, an interim progress report shall be due within five (5) calendar days of the date upon which the revised estimated completion period is submitted to the Chief Building Official or such extended period of time as may be authorized by the Chief Building Official in his or her sole discretion. The Chief Building Official may also waive the requirement for an interim progress report altogether, if the revised estimated completion period extends the initial estimated completion period by a period of time determined to be de minimis in the sole discretion of the Chief Building Official. The failure to notify the Chief Building Official of a revised estimated completion period shall constitute a violation of this chapter. (Ord. 2701 § 3 (part), 2007)

8.20.264 C&D diversion compliance.

A. **Determination of Compliance.** The Chief Building Official shall have final discretion in determining compliance with the diversion mandate set forth under Section 8.20.261, above.

B. **Adequacy of Final Report.** If the applicant's final report demonstrates that solid waste, including C&D materials, generated by the covered project were not collected by a temporary services franchisee, the Chief Building Official shall make a preliminary determination as to whether the applicant's final report provides information sufficient for the Chief Building Official to make a determination as to whether or not the diversion mandates of Section 8.20.261 have been met. Within thirty (30) days from the date the applicant's final report is submitted to the Chief Building Official, the Chief Building Official shall notify the applicant of whether the report is complete and/or sufficient. If the Chief Building Official determines the applicant's final report is incomplete or lacks sufficient information to determine compliance or noncompliance, the Chief Building Official shall notify the applicant of the reasons for the report's inadequacy in writing. Thereafter, the applicant shall be granted ten (10) business days to respond with information identified to make its final report adequate. Failure to respond with adequate information within ten (10) business days shall be considered a failure to comply. The Chief Building Official shall notify the applicant in writing of the failure to comply.

D. **Notification of Failure to Meet Diversion Requirements.** If the Chief Building Official determines the applicant has failed to meet the diversion requirements of Section 8.20.261, the Chief Building Official shall notify the applicant of its failure to comply in writing. Except as otherwise provided under subsection F of this section, below, the applicant's failure to meet the diversion mandate of Section 8.20.261 shall result in the forfeiture of a per-

centage of the performance security calculated in the manner set forth under subsection C of Section 8.20.261, above.

E. **Reduction/Waiver of Diversion Mandate.** Within ten (10) calendar days from the date of the Chief Building Official's determination that an applicant failed to meet the diversion mandate of Section 8.20.261, above, but prior to the actual forfeiture of all or any portion of the performance security, the applicant may submit a written request to the Chief Building Official requesting the reduction or waiver of the diversion mandate. Upon the timely submission of such request, the Chief Building Official may reduce or waive the diversion mandate of Section 8.20.261 if he or she finds by clear and convincing evidence:

1. There are exceptional and extraordinary circumstances or conditions associated with the covered project that do not apply generally to other similar projects or undertakings; and
2. Such exceptional and extraordinary circumstances or conditions are the direct cause of the applicant's failure to meet the diversion mandates of Section 8.20.261; and
3. The applicant has undertaken all reasonable measures necessary to mitigate its failure to meet the diversion mandate of Section 8.20.261, including but not limited to all measures set forth in the diversion plan; and
4. A reduction or waiver of the diversion mandate will not violate applicable law or jeopardize the public health, safety or welfare.

If the Chief Building Official determines a reduction or waiver of the diversion mandate is merited under the circumstances, he or she shall make a written finding stating the reasons for allowing the applicant to fall below the mandated diversion requirement without forfeiting any or all of the performance security. In rendering its decision, the Chief Building Official may request such additional information as he or she deems necessary to warrant a reduction or waiver of the diversion mandate.

F. **Failure to Submit Final Report.** If an applicant fails to file a final report within the sixty (60) day time frame set forth under subsection B of Section 8.20.262, above, the applicant shall be considered to have failed to comply with the diversion requirements of Section 8.20.261 and the entire performance security shall be forfeited. (Ord. 2701 § 3 (part), 2007)

8.20.265 False information.

The submission of false information to the city by any person in connection with a building, demolition, encroachment or grading permit application, diversion plan, interim progress report, final report, appeal or any other

circumstances in which information is provided to the city shall be deemed a violation of this chapter. (Ord. 2701 § 3 (part), 2007)

8.20.266 Enforcement.

In addition to the forfeiture of the performance security under Section 8.20.261 for any violation of the procedures set forth under Sections 8.20.260 through 8.20.265, the city shall have discretion to take any or all of the following actions:

1. Revoke or suspend the building, demolition, grading or encroachment permit of the violator;
2. Bring a civil action for restitution and/or damages;
3. Seek injunctive relief; and/or
4. Refer the violation for prosecution as a misdemeanor. (Ord. 2701 § 3 (part), 2007)

8.20.267 Appeal.

The applicant may file an administrative appeal with the City Manager on any ruling of the Chief Building Official makes pursuant to the procedures set forth under Sections 8.20.260 through 8.20.266. Notice of appeal from the ruling of the Chief Building Official must be filed within fifteen (15) calendar days from the date of the Chief Building Official's final determination or decision on a matter. The decision of the City Manager or his or her designee relative to any matter within the jurisdiction of the Chief Building Official shall be final and shall not be further appealed to the City Council or to any other city body or official. (Ord. 2701 § 3 (part), 2007)

8.20.268 Trash bin encroachment permits.

A. No person shall place, or cause to be placed, any bin of any variety on any public street, sidewalk, parkway, alley, street shoulder or any other portion of the public right-of-way without first obtaining a permit pursuant to this section. For purposes of this section, the aforementioned permit shall hereinafter be referred to as "trash bin encroachment permits."

B. Applications for a trash bin encroachment permit shall be submitted to the Environmental Services Division. Trash bin encroachment permits may only be issued in connection with:

1. Any covered project as defined under Section 8.20.260 of this chapter;
2. Renovation and repair projects performed at all varieties of premises (including but not limited to roof tear-offs);
3. Premises cleanouts (including but not limited to apartment cleanouts);
4. Warehouse cleanups;

5. Nuisance and/or weed abatement cleanups; and
6. Street/road maintenance cleanups.

C. As a standard condition to the issuance of a trash bin encroachment permit, any bin subject to such a permit shall be reflectorized and shall contain the name, address and telephone number of the bin owner/provider. In the event that any reasonably foreseeable risk of harm cannot be reasonably eliminated, the Environmental Services Division may deny an application for a trash bin encroachment permit. The Environmental Services Division may revoke any trash bin encroachment permit on the basis of the permittee's failure to comply with any conditions of approval. (Ord. 2701 § 3 (part), 2007)

8.20.270 Definitions.

When used in this chapter, the following words and phrases shall have the meaning set forth under this section as follows:

"AB 939" means the California Integrated Waste Management Act of 1989 (California Public Resources Code Section 40000 et seq.), and its implementing regulations as both presently exist or as they may be amended, modified or updated from time to time.

"Bin" or "trash bin" means a metal container, including but not limited to dumpsters, compactors, roll-off bins, roll-off boxes and the like. All bins/trash bins shall be installed with safety features, including but not necessarily limited to, reflectors and such other safety features as may be required under the terms of a franchise, franchise agreement or this chapter.

"C&D materials" means solid waste, such as building materials, packing and inert debris generated by "covered projects." Common C&D materials include but are not limited to: lumber, metals, pipe, wire, sheet metal, asphalt, concrete, stone, brick, slate, masonry, drywall, carpet, carpet padding and foam, packing materials, cardboard, paper, construction materials, doors, windows, fixtures, plastics, appliances, ceiling or floor tiles, green waste or landscape debris related to land development such as soil, brush, trees, rock, branches or stumps.

"Cart" means a plastic or otherwise nonmetallic container with a hinged lid and wheels which may be serviced by an automated or semi-automated process, as opposed to a manual process of lifting and dumping.

"Chief Building Official" means the Chief Building Official of the El Monte Building Division or designee.

"City" or "city of El Monte" means the city of El Monte, a municipal corporation and general law city, and all the territory lying within the municipal boundaries of the city of El Monte as presently existing or as such

boundaries may be modified during the term of the agreement codified in this chapter.

“City Council” means the El Monte City Council, inclusive of the Mayor of the city of El Monte, within the meaning of Chapter 2.04 (City Council) and Chapter 2.08 (Mayor) of the El Monte Municipal Code.

“City Manager” means the City Manager of the city of El Monte within the meaning of Chapter 2.12 of the El Monte Municipal Code or the City Manager’s designee.

“Collect,” “collection” or “collected” means to take physical possession of, transport and remove solid waste, recyclable materials and/or other like materials within the territorial boundaries of the city of El Monte.

“Collection vehicle” means any legally authorized and legally compliant motorized vehicle designed for the collection of solid waste, recyclable materials or other discarded items, substances or materials.

“Commercial premises” means any building, structure, lot or real property parcel upon which commercial, industrial, manufacturing or other like for-profit or nonprofit business activities are conducted and lawfully permitted, including but not limited to retail sales, office uses, services, mechanical repair services, entertainment services, restaurant services, hotel/motel/lodging services, medical facilities, wholesale operations, heavy manufacturing operations, light manufacturing operations, storage, warehousing, and industrial operations, but excluding residential premises upon which business activities are conducted when such activities are permitted under applicable zoning regulations and are not the primary use of the property. Notwithstanding any provision to the contrary contained in this definition, a premises lawfully used for the following purposes shall be deemed to commercial premises for purposes of this chapter: adult residential facilities; assisted living facilities; convalescent homes; dormitories; extended stay motels; group residential facilities; group care facilities; hotels; motels; any lot, real property parcel or portion thereof lawfully used for the location of residential mobilehomes (e.g., any residential mobilehome park); and any residential portion of a mixed use development as the term “mixed use development” is defined under Section 17.04.020 of Chapter 17.04 (Definitions) of the El Monte Municipal Code.

“Container” means any and all types of receptacles designed, used and intended for the temporary deposit, accumulation and containment of solid waste, recyclable materials and other discarded items or materials. As used in this chapter, the term “container” is inclusive of carts, bins, and receptacles provided by customers such as plastic/metallic household trash cans. All containers provided

to a customer by a franchisee shall identify the name, business address and telephone number of the franchisee.

“Customer” means any person receiving solid waste handling services from a franchisee.

“Disposal” or “disposed” shall have the same meaning as set forth under Section 40192 of the California Public Resources Code.

“Diversion” and “divert” mean and refer to the reduction or elimination of the amount of solid waste destined for solid waste disposal at solid waste landfills or transformation facilities in accordance with applicable federal, state or local laws and requirements; such activities include source reduction, recycling and composting. The term “diversion” as used in this chapter is also inclusive of the definition for “diversion” set forth under Section 40124 of the California Public Resources Code.

“Dumpster” means a bin equipped with wheels and designed to be mechanically lifted by and emptied into or carted away by a collection vehicle.

“Franchise,” as an unmodified term, means a franchise approved and awarded in accordance with Chapter 18.12 (Solid Waste Handling Franchises) of the El Monte Municipal Code which authorizes a solid waste enterprise to perform of solid waste handling services and services for the collection, transportation, storage, transfer or processing of recyclable materials where such services are rendered for compensation in a manner the results in a net payment to the person rendering the services.

“Franchise agreement” means any City Council approved agreement evidencing, memorializing, formalizing and detailing the scope, terms, conditions and requirements of a franchise awarded a solid waste enterprise in accordance with Chapter 18.12 (Solid Waste Handling Franchises) of the El Monte Municipal Code.

“Franchisee” means any solid waste enterprise awarded a franchise in accordance with Chapter 18.12 (Solid Waste Handling Franchises) of the El Monte Municipal Code.

“Green waste” means all tree and plant trimmings, grass cuttings, dead plants, weeds, leaves, branches, brush and similar materials; provided such materials are separated from and uncontaminated by other solid waste, hazardous waste, hazardous substances, hazardous contaminants, radioactive waste, or medical waste. For purposes of this definition, “green waste” also includes discarded holiday trees.

“Hazardous contaminant” means:

1. Any substance, material or waste which falls within the definition of, or which otherwise qualifies as, a “hazardous material,” “hazardous substance,” “hazardous waste,” “acutely hazardous waste,” “extremely hazardous

waste,” “toxic waste,” “pollutant” and/or “toxic substance” within the meaning of any or all of the following:

- a. The Comprehensive Environmental Response, Compensation and Liability Act (“CERCLA”), 42 U.S.C. 9601 et seq.,
- b. The Resource Conservation and Recovery Act (“RCRA”), 42 U.S.C. Section 6901 et seq.,
- c. The Hazardous Materials Transportation Act (“HTMA”), 49 U.S.C. Section 5101 et seq.,
- d. The Clean Water Act (“CWA”), 33 U.S.C. Section 1251 et seq.,
- e. The Clean Air Act (“CAA”), 42 U.S.C. Section 7401 et seq.,
- f. Section 40141 of the California Public Resources Code,
- g. Sections 25110.02, 25115 through 25117, 25281, 25316, 25501 and/or 25501.1 of the California Health and Safety Code; Section 13050 of the California Water Code, and
- h. Any amendments, rules or regulations promulgated pursuant to such enumerated statutes and statutory schemes;

2. Any chemical which the Governor of the state of California has identified as a chemical known to the state of California to cause cancer or reproductive toxicity in accordance with Section 25249.8 of the California Health and Safety Code;

3. Any crude oil or refined or unrefined petroleum product or any fraction or derivative thereof; or

4. Any asbestos or asbestos-containing material.

“Hazardous substance” means any of the following:

1. Any substances defined, regulated or listed (directly or by reference) as a hazardous substance, hazardous material, hazardous waste, toxic waste, pollutant or toxic substance or similarly identified as hazardous to human health or the environment, in or pursuant to:

- a. The Comprehensive Environmental Response, Compensation and Liability Act of 1980, 42 U.S.C. Section 9601 et seq., (CERCLA),
- b. The Hazardous Materials Transportation Act, 49 U.S.C. Section 1802, et seq.,
- c. The Resource Conservation and Recovery Act, 42 U.S.C. Section 6901 et seq.,
- d. The Clean Water Act, 33 U.S.C. Section 1251 et seq.,
- e. California Health and Safety Code Sections 25115 through 25117, 25249.8, 25281 and 25316,
- f. The Clean Air Act, 42 U.S.C. Section 7901 et seq., and
- g. California Water Code Section 13050;

2. Any amendments, rules or regulations promulgated to such enumerated statutes or acts currently existing or hereafter enacted; and

3. Any other hazardous or toxic substance, material, chemical, waste or pollutant identified as hazardous or toxic or regulated under any other applicable federal, state or local environmental law currently existing or hereinafter enacted, including, without limitation, asbestos, polychlorinated biphenyl’s (PCBs), petroleum, methane gas, natural gas and synthetic fuel products and byproducts.

“Hazardous waste” means all substances defined as “hazardous waste,” “acutely hazardous waste” or “extremely hazardous waste” under California Health and Safety Code Sections 25117, 25110.02 and 25115, or in any amendments to or recodifications of such statutes, or identified and listed as hazardous waste by the U.S. Environmental Protection Agency (EPA), pursuant to the Federal Resource Conservation and Recovery Act (42 U.S.C. Section 6901 et seq.), all amendments thereto, and all rules and regulations promulgated thereunder. The term “hazardous waste” will be construed to have the broader, more encompassing meaning where a conflict exists in the definitions employed by two (2) or more governmental entities having concurrent or overlapping jurisdiction over hazardous waste.

“Household hazardous wastes” or “HHW” are those wastes resulting from products purchased by the general public for household use which, because of their quantity, concentration, or physical, chemical, or infectious characteristics, may pose a substantial known or potential hazard to human health or the environment when improperly treated, disposed, or otherwise managed.

“Local enforcement agency” shall have the same meaning as the meaning given to the term “enforcement agency” under Section 40130 of the California Public Resources Code.

“Lot” shall have the same meaning as set forth under Section 17.04.020 of the El Monte Municipal Code as the same presently exists or as it may be modified or amended from time to time.

“Materials recovery facility” or “MRF” means a permitted solid waste facility where solid wastes or recyclable materials are sorted or separated, by hand or by use of machinery, for the purposes of recycling or composting.

“Medical waste” means waste regulated pursuant to the Medical Waste Management Act (Part 14 (commencing with Section 117600) of Division 104 of the Health and Safety Code).

“Multifamily premises” means:

1. Any single building or structure containing four (4) or more residential dwelling units; or

2. Any building, structure, lot or real property parcel containing two (2) or more residential dwelling units which the City Manager determines must receive solid waste handling services through the use of a shared bin(s) as such units may not reasonably receive individualized solid waste handling services through the use of carts or resident provided containers.

The foregoing notwithstanding, residential dwelling units which are part of a "planned development" as the term is defined under Section 1351 of the California Civil Code shall not be considered multifamily premises but instead shall be considered residential premises. For purposes of illustration, "multifamily premises" include but are not necessarily limited to any apartment building or apartment structure containing four (4) or more residential units; or any single, exclusively residential high-rise/mid-rise building or structure. For purposes of this chapter, "multifamily premises" do not include "mixed used developments" as defined under Section 17.04.020 of the El Monte Municipal Code or any residential portion of a "mixed used development."

"Permitted solid waste facility" means a solid waste facility for which there exists a solid waste facilities permit issued by the local enforcement agency and concurred in by the California Integrated Waste Management Board.

"Person" means any individual, natural person, firm, association, organization, general partnership, limited partnership, corporation, limited liability company, limited liability partnership, business trust, living trust, joint venture, the federal government of the United States, the state of California, the county of Los Angeles, a municipal corporation, or special purposes districts. The definition for "person" is also inclusive of the definition for "person" set forth under Section 40170 of the California Public Resources Code. The term "person" will be construed to have the broader, more encompassing meaning where a conflict exists in the definitions partially set forth under this definition and the definition set forth under Section 40170 of the California Public Resources Code.

"Premises," as an unmodified term, means any building, structure, lot, real property parcel or portion thereof located within the territorial boundaries of the city of El Monte. The unmodified term "premises" is inclusive of all residential premises, multifamily premises and commercial premises as the same are defined under this chapter.

"Processing" shall have the same meaning as set forth under Section 40172 of the California Public Resources Code as the same presently exists or as it may be amended from time to time.

"Processing station" shall have the same meaning as set forth under Section 40200 of the California Public Re-

sources Code as the same presently exists or as it may be amended from time to time.

"Radioactive waste" means waste regulated pursuant to the Radiation Control Law (Chapter 8 (commencing with Section 114960) of Part 9 of Division 104 of the California Health and Safety Code.

"Recycle," "recycled" and "recycling" as unmodified terms, shall have the same meaning as set forth under Section 40180 of the California Public Resources Code as the same presently exists or as it may be amended from time to time.

"Recyclable materials" means any material, substance or item which has the potential to be recycled, including but not limited to any such materials, substances or items which may be contained within, or commingled with, solid waste and/or other materials, substances or items that are not capable of being recycled.

"Recycling facility" means a facility designed and operated for the purpose of collecting and/or processing recyclable materials which is certified by the California Department of Conservation as meeting the requirements of the Container Recycling and Litter Act of 1986.

"Residential premises" means:

1. Any single building, structure, lot or real property parcel containing three (3) or fewer residential dwelling units, except to the extent the City Manager determines the residential dwelling units within such dwellings, buildings or structures must receive solid waste handling services through the use of a shared bin(s) as such units may not reasonably receive individualized solid waste handling services through the use of carts or resident-provided containers; or

2. Each residential dwelling unit which is part of a "planned development" as the term is defined under Section 1351 of the California Civil Code; or

3. Any single-family residential dwelling unit attached to one or more single-family residential dwelling units by a common vertical wall(s), with each dwelling unit located on a separate lot; or

4. Any second unit/granny flat.

A residential premises which either has been or is unlawfully used or improved with more than three (3) residential dwelling units shall not by virtue of this definition or such unlawful improvement become a commercial premises or a multifamily premises but shall remain residential premises.

"Reuse" means the recovery or reapplication of a material for uses similar or identical to its originally intended application, without manufacturing or preparation processes that significantly alter the material.

"Roll-off bin" and "roll-off box" means a bin (including compactors) constructed to roll and be conveyed by a roll-off collection vehicle.

"Scavenge" or "scavenging" means and refers to the unauthorized act of removing recyclable materials or any other commodity designated by the city to have recyclable properties or value by any person other than those expressly authorized under this chapter.

"Self-hauling" or "self-haul" means and refers to the hauling of green waste and solid waste (including recyclable materials and C&D materials) to a landfill, recycling facility, permitted solid waste facility or for reuse provided such hauling is undertaken through the use of the self-hauler's own equipment and employees. "Self-hauling" does not include the contracting or subcontracting of hauling services with any third party, including, but not limited to, any solid waste enterprise that is not franchised to perform any variety of solid waste handling services within the city of El Monte.

"Solid waste" shall have the same meaning as set forth under Section 40191 of the California Public Resources Code, except to the extent that such definition is inclusive of substances or wastes which fall within the definition of "hazardous substances," "hazardous waste," or "hazardous contaminants" as defined under this chapter. Furthermore, in accordance with Section 40191 of the California Public Resources Code, "treated medical waste" (as opposed to medical waste that is not treated) shall be considered "solid waste."

"Solid waste disposal" shall have the same meaning as set forth under Section 40192 of the California Public Resources Code as the same presently exists or as it may be amended from time to time.

"Solid waste enterprise" shall have the meaning set forth under Section 40193 of the California Public Resources Code, its implementing regulations as both may be amended from time to time.

"Solid waste facility" shall have the same meaning as set forth under Section 40194 of the California Public Resources Code as the same presently exists or as it may be amended from time to time.

"Solid waste handling" shall have the same meaning as set forth under Section 40195 of the California Public Resources Code as the same presently exists or as it may be amended from time to time.

"Source reduction" shall have the same meaning as set forth under Section 40196 of the California Public Resources Code as the same presently exists or as it may be amended from time to time.

"Source reduction and recycling element" or "SRRE" means the source reduction and recycling element required

pursuant to Section 41000 and 41300 of the California Public Resources Code.

"Source-separated recyclable materials" means recyclable materials that have been segregated from nonrecyclable components of solid waste by the solid waste generator for purposes of recycling.

"State" means the state of California.

"Temporary services" means solid waste handling services provided to a customer on an intermittent, nonpermanent, as-needed basis for specific projects, activities or undertakings that are of a temporary nature (i.e., that are finite in duration). In addition, such temporary services shall necessarily mean solid waste services performed only for that period of time necessary for the recipient of such services to complete the project, activity or undertaking for which the temporary services have been retained. For purposes of illustration, temporary services include, but are not necessarily limited to:

1. Any project, activity or undertaking involving construction, demolition, additions, alterations, remodeling, encroachments, tenant improvements or grading when such projects, activities or undertakings require a building, demolition, encroachment and/or grading permit;
2. Any renovation and repair projects performed at all varieties of premises (including but not limited to roof tear-offs);
3. Any premises cleanouts (including but not limited to apartment cleanouts);
4. Any warehouse cleanups;
5. Nuisance and/or weed abatement cleanups; or
6. Any street/road maintenance cleanups.

"Transfer station" shall have the same meaning as set forth under Section 40200 of the California Public Resources Code as the same presently exists or as it may be amended from time to time.

"Transformation facility" means a facility whose principal function is to convert, combust, or otherwise process solid waste by incineration, pyrolysis, destructive distillation, or gasification, or to chemically or biologically process solid wastes, for the purpose of volume reduction, synthetic fuel production, or energy recovery. The foregoing notwithstanding, the term "transformation facility" does not include any permitted solid waste facility dedicated solely and exclusively to the production of "compost" as the term "compost" is defined under Section 40116 of the California Public Resources Code.

"Waste generator" means any person whose actions, activities, undertakings or processes generate or otherwise produce solid waste or whose actions, activities, undertakings or processes cause solid waste to become subject to regulation. (Ord. 2701 § 3 (part), 2007)

Chapter 8.24**HAZARDOUS MATERIALS****Sections:****8.24.010 Liability for cleanup costs.****8.24.010 Liability for cleanup costs.**

Any person or business causing an unauthorized release of any hazardous material which requires the city to expend public funds for the cleanup or removal of such hazardous material shall be civilly liable to the city for all costs incurred by the city for such cleanup and removal. The city shall provide such person who may be civilly liable to the city hereunder with a written account and invoice of the costs incurred by the city and such person or business shall pay such amount to the City Fire Marshal within thirty (30) days following transmittal of such invoice. In the event that an action may thereafter be initiated by the city to collect any sum which is owed to the city hereunder, the judgment in such action may include reasonable attorneys' fees of the city incurred in connection with such collection. There is established a "City of El Monte Hazardous Materials Civil Liability Cleanup and Reimbursement Fund" and all sums which may hereafter be collected by the City Fire Marshal under this section shall be deposited into such fund. The balance of said fund shall be used and applied by the City Fire Chief for the purchase of specialized equipment, including data processing equipment, which will aid the City Fire Department in ensuring the safety of the public from the unauthorized disposal or storage of hazardous materials, or from fires which may involve such materials. (Prior code § 3921)

Chapter 8.28

INTEGRATED WASTE MANAGEMENT PLAN

Sections:

- 8.28.010** **California Integrated Waste Management Act of 1989.**
- 8.28.020** **City source reduction and recycling element.**
- 8.28.030** **AB 939 cost recovery special fund.**
- 8.28.040** **AB 939 fee of the city.**
- 8.28.050** **Failure of hauler to pay AB 939 fee is a misdemeanor.**

8.28.010 **California Integrated Waste Management Act of 1989.**

The state has adopted the California Integrated Waste Management Act of 1989 (Stats. 1989, Chapter 1095, as amended) which is also known as "AB 939." The State Legislature has declared that the responsibility for solid waste management is a shared responsibility between state and local governments and the state has directed the city to prepare and implement a local integrated waste management plan in accordance with AB 939. (Prior code § 5250)

8.28.020 **City source reduction and recycling element.**

The Deputy City Manager for Community Development shall prepare a source reduction and recycling element, inclusive of a household hazardous waste element (collectively, an "SRRE"). The SRRE shall be submitted to the City Council for approval in accordance with AB 939. Thereafter, the Deputy City Manager for Community Development shall submit periodic written reports to the City Council detailing the city's implementation of any and all programs set forth under the SRRE. An initial report shall be submitted to the City Council no later than December 1, 1992 and thereafter the Deputy City Manager for Community Development shall submit additional reports in accordance with a schedule of SRRE program implementation and assessment reports as adopted by City Council resolution. A copy of the SRRE shall be maintained for inspection and copying as a public record in the office of the City Clerk. (Ord. 2701 §§ 3 (part), 7, 2007: amended during 1999 recodification; prior code § 5251)

8.28.030 **AB 939 cost recovery special fund.**

The City Council creates a special fund to be known as the "AB 939 Cost Recovery Special Fund." The Director of Finance is authorized and directed to establish appropriate accounting procedures and to deposit all funds as may

be received or collected by the city in accordance with AB 939 or the city SRRE, including grants or state subvention revenues, or local regulatory program fees or charges as authorized in Section 8.28.040, into the AB 939 cost recovery special fund. The amounts on deposit in the AB 939 cost recovery special fund, together with any accrued interest thereon, shall be used and applied to pay for costs incurred by the city as associated with the preparation, adoption and implementation of the city SRRE. The city may from time to time loan or advance such funds as available to the AB 939 cost recovery special fund, as may be necessary or appropriate. Such loans or advances or funds from the city may incur interest payable to the city from sums deposited to the AB 939 cost recovery special fund at such a rate as specified by resolution of the City Council. (Prior code § 5252)

8.28.040 **AB 939 fee of the city.**

The City Council may adopt regulatory program fees as authorized under AB 939 to provide a source of funds to pay for the preparation, adoption and implementation of the city SRRE. Such AB 939 fees, charges and methods of apportionment and collection shall be determined, fixed, established and revised from time to time by resolution of the City Council, following a public hearing thereon. Public hearings regarding such AB 939 fees shall be conducted in the manner as authorized under Government Code Section 66016. (Prior code § 5253)

8.28.050 **Failure of hauler to pay AB 939 fee is a misdemeanor.**

The term "hauler" as used herein means any waste hauler, solid waste hauler, or trash hauler or the like and shall include any individual or entity engaged in a business, subject to the payment of a business license tax under the provision of Title 5 of the El Monte Municipal Code, where such hauler collects, transports, stores, transfers, or processes solid waste in the city. The term "solid waste" shall have the same meaning as found under Public Resources Code Section 40191. It is unlawful for any hauler who is engaged in the business of collecting, transporting, storing, transferring, or processing solid waste in the city to fail to file any report or pay any fee to the city as may be authorized under Section 8.28.040 within sixty (60) days following written demand therefor. The city may enforce this section as a misdemeanor in accordance with El Monte Municipal Code Section 1.24.010. (Prior code § 5254)

Chapter 8.32

MOBILE SOURCE AIR POLLUTION REDUCTION PROGRAMS

Sections:

- 8.32.010 **Definitions.**
- 8.32.020 **Administration of vehicle
registration fee.**
- 8.32.030 **Chapter provisions exempt from
further compliance with CEQA.**

8.32.010 **Definitions.**

As used in this chapter, the following words and terms shall be defined as follows:

"City" means the city of El Monte.

"Fee administrator" means the Finance Director of the city or his or her designee.

"Mobile source air pollution reduction programs" means any program or project implemented by the city to reduce air pollution from motor vehicles, which it determines will be consistent with the California Clean Air Act of 1988 or the plan proposed pursuant to Article 5 (commencing with Section 40460) of Chapter 5.5 of Part 3 of the California Health and Safety Code. (Ord. 2322 § 1, 1991)

8.32.020 **Administration of vehicle registration fee.**

A. Receipt of Fee. The additional vehicle registration fees distributed by the SCAQMD and remitted to the city, pursuant to this chapter, shall be accepted by the Fee Administrator.

B. Establishment of Air Quality Improvement Trust Fund. The Fee Administrator shall establish a separate interest-bearing trust fund account in a financial institution authorized to receive deposits of city funds.

C. Transfer of Funds. Upon receipt of vehicle registration fees, the Fee Administrator shall deposit such funds into the separate account established pursuant to subsection B of this section. All interest earned by said trust fund account shall be credited only to that account.

D. Expenditure of Air Quality Trust Fund Revenues. All revenues received from the SCAQMD and deposited in the trust fund account shall be exclusively expended on mobile source emission reduction programs as defined in Section 8.32.010. Such revenues shall be expended within one (1) year of the completion of the programs.

E. Audit. The city will permit an audit of all programs and projects funded by vehicle registration fee revenues received from SCAQMD, pursuant to Health and Safety Code Section 44223. The audit shall be con-

ducted by an independent auditor selected by the SCAQMD pursuant to Health and Safety Code Section 44244.1, the city may present information related to its expenditure of the fee revenues received. (Ord. 2322 § 2, 1991)

8.32.030 **Chapter provisions exempt from further compliance with CEQA.**

The City Council finds and determines that the environmental regulatory program as shall be implemented in accordance with this chapter and the AQMP is categorically exempt from further compliance or review under the California Environmental Quality Act of 1970, as amended, in accordance with Section 15308 of the State CEQA Guidelines. (Ord. 2322 § 4, 1991)

Chapter 8.36

NOISE CONTROL

Sections:

8.36.010	Declaration of policy.
8.36.020	Definitions.
8.36.030	Sound level measurements.
8.36.040	Ambient noise standards.
8.36.050	Special noise sources.
8.36.060	Noise level measurement.
8.36.070	Nonconforming uses.
8.36.080	Noise disturbance prohibited.
8.36.090	Abatement of noise disturbance.
8.36.100	Costs for abatement of a noise disturbance assembly.
8.36.110	Manner of enforcement— Violation and penalty.

8.36.010 Declaration of policy.

It is declared to be the policy of the city to prohibit unnecessary, excessive, and annoying noises from all sources subject to its police power. It is recognized that at certain levels noises are detrimental to the health and welfare of the citizenry and in the public interest shall be controlled or eliminated. (Prior code § 5910)

8.36.020 Definitions.

Unless the context otherwise clearly indicates, the words and phrases used in this chapter are defined as follows:

"A-weighted sound pressure level" means the sound pressure level as measured with a sound meter using the A-weighting network. The standard notation is dBA.

"Ambient noise level" means the all-encompassing noise level associated with a given environment, being a composite of sounds from all sources, excluding the alleged offensive noise, at the location and approximate time at which a comparison with the alleged offensive noise is to be made.

"Decibel" means a unit of level for measuring the volume of a sound, equal to the logarithm of the ratio of the sound pressure of a standard sound (.0002 microbars). The standard notation is dB.

"Fixed noise source" means a stationary device which creates sounds while fixed or motionless, including but not limited to industrial and commercial machinery and equipment, pumps, fans, compressors, generators, air conditioners and refrigeration equipment.

"Hertz" means the complete sequence of values of a periodic quantity which occurs during a period.

"Impact noise" means the noise produced by the collision of one mass in motion with a second mass which may be either in motion or at rest.

"Impulsive noise" means and includes any noise which is composed of momentary noises that are repeated at sufficiently slow rates, such that a sound level meter set at "slow" meter characteristics will show changes in sound pressure level greater than ten (10) dBA.

"Mobile noise source" means any noise source other than a fixed noise source.

"Noise disturbance" means any sound or noise which endangers or injures the safety or health of human beings or animals or which annoys or disturbs reasonable persons of normal sensitivities or which is of such a noise level or volume as would annoy or disturb reasonable persons of normal sensitivities or which endangers or injures personal or real property, or which violates the ambient noise standards set forth in Section of this chapter.

"Sound level meter" means a measurement instrument containing a microphone or amplifier, an output meter and "A" frequency weighting networks for the measurement of sound levels, which satisfies the pertinent requirements, in American Specifications for Type 2 Sound Level Meters S1.4-1971, or the most recent revision thereof.

"Steady noise" means noise for which the sound pressure level remains essentially constant during the period of observation. It does not vary more than six (6) dBA when measured with the "slow" meter response of a sound level meter. (Prior code §§ 5920—5920.11)

8.36.030 Sound level measurements.

Any sound level measurement made pursuant to the provisions of this chapter shall be measured with a sound level meter using the "A" weighting network and slow response as defined in Section 8.36.020. (Prior code § 5930)

8.36.040 Ambient noise standards.

A. The following ambient noise standards, unless otherwise specifically indicated, shall apply to all property within their assigned zoning districts and said standards shall constitute the permissible noise level:

Zone	Day	Night
	7:00 a.m. to 10:00 p.m.	10:00 p.m. to 7:00 a.m.
Single-family	50 dBA	45 dBA
Multifamily	55 dBA	50 dBA
Commercial	65 dBA	60 dBA
Industrial	70 dBA	70 dBA

B. It is unlawful for any person to create any noise which would cause the noise level at the property line of any property to exceed the ambient noise level by more than five (5) decibels for a cumulation period of fifteen (15) minutes in any hour.

C. At the boundary line between a residential zone and a commercial and/or manufacturing zone, the noise level of the residential zone shall be used.

D. If a residential use is located within a commercial or industrial zone, the ambient noise level shall not exceed fifty (50) dBA between the hours of ten p.m. and seven a.m.

E. Corrections to Noise Limits. The numerical limits given in subsection A of this section shall be adjusted by the following corrections, where appropriate:

Noise Condition	Correction in dBA
1. Impulsive sounds, pure tone or sounds with a cyclically varying amplitude (The following corrections apply to day only)	-5
2. Noise occurring for a cumulation period of more than 5 but less than 15 minutes in any hour.	+5
3. Noise occurring more than 1 but less than 5 minutes in any hour.	+10
4. Noise occurring less than 1 minute in any hour.	+15

(Prior code §§ 5940—5940.4)

8.36.050 Special noise sources.

A. Radios, Television Sets, and Similar Devices. Any noise level from the use or operation of any radio receiving set, musical instruments, phonograph, television set, or other machine or device for the producing or reproducing of sound at any hour of the day, which exceeds the noise limit at the property line of any receiving property shall be a violation of the provisions of Section 8.36.040A.

B. Machinery, Fans and Other Mechanical Devices. Any noise level from the use or operation of any machinery, equipment, pump, fan, air conditioning apparatus, refrigerating equipment, motor vehicle, or other mechanical or electrical device, or in repairing or rebuilding any motor vehicle which exceeds the noise limits at any property line, of any receiving property shall be a violation of the provisions of Section 8.36.040A.

C. Construction of Building. It is unlawful for any person within the city to operate power construction tools or equipment in the performance of any outside construc-

tion or repair work on buildings, structures, or projects in or adjacent to a residential area, except between the hours of six a.m. and seven p.m. on any working day, or between the hours of eight a.m. and seven p.m. on weekends, unless performing emergency work.

D. Amplified Sound. The use of loudspeakers or sound amplifying equipment in the city which exceeds the noise limits at any property line of a receiving property shall be a violation of Section 8.36.040A.

E. Loading/Unloading. In residential zones, the opening, closing or other handling of boxes, crates, containers, building materials, or similar objects in such a manner as to cause a noise disturbance is not permitted between the hours of ten p.m. and seven a.m.

F. Interior Noise in a Condominium, Two-Family or Multifamily Residential Unit. Notwithstanding other sections of this chapter, it is unlawful for any persons to create, maintain or cause to be created or maintained any noise within the interior of any condominium, two (2) family or multifamily residential unit which exceeds the noise limits indicated in Section 8.36.040A.

G. Exemptions.

1. Lawfully conducted parades or assemblies;
2. Emergency work;
3. All operations and activities the control of which is by law exclusively vested in another agency of government;
4. Bells or chimes while being used in conjunction with religious or patriotic services;

5. The provisions of this regulation shall not preclude the construction, operation, maintenance, and repairs of equipment, apparatus, or facilities of park and recreation departments, public work projects, or essential public services and facilities, including those of public utilities subject to the regulatory jurisdiction of the California Public Utilities Commission.

H. Residential Proximity to Freeway. The permissible noise level standards as applied to residential properties within one hundred fifty (150) feet of freeway location shall be sixty-two (62) dBA between the hours of seven a.m. and ten p.m. and fifty-eighty (58) dBA between the hours of ten p.m. and seven a.m. (Ord. 2470 § 1 (part), 1997; Ord. 2469 § 1 (part), 1997; prior code §§ 5950—5950.9)

8.36.060 Noise level measurement.

A. The location selected for measuring exterior noise levels shall be at any point on the affected residential property. Affected residential property shall be the address from which the complaint was received. Interior noise measurements shall be made within the affected residential units.

B. The standards which may be considered in determining whether a violation of the provisions of this section exists, may include, but not be limited to, the following:

1. The level of the noise;
2. Whether the nature of the noise is usual or unusual;
3. The nature of the area within which the noise emanates;
4. The density of the inhabitation of the area within which the noise emanates;
5. The time of day or night;
6. The duration of the noise;
7. Whether the noise is produced by a commercial or noncommercial activity. (Prior code §§ 5960—5960.2.7)

8.36.070 Nonconforming uses.

Commercial or manufacturing uses abutting residential zones that exceed noise level standards shall be considered nonconforming uses. If the noise cannot be mitigated, the regulations specified in Chapter 17.06 of this code shall govern nonconforming uses in this chapter. (Prior code § 5980)

8.36.080 Noise disturbance prohibited.

No person shall create, conduct, maintain or cause a noise disturbance. No person shall host or conduct a private or public dance, party, gathering or event in a residential neighborhood or in another neighborhood inhabited for residential use where the sound or noise emanating therefrom constitutes a noise disturbance. The source or instrumentalities of a noise disturbance may be sized in conjunction with the abatement of a noise disturbance pursuant to Section 8.36.090 of this chapter. (Prior code § 5991)

8.36.090 Abatement of noise disturbance.

Any peace officer of the El Monte Police Department and any person empowered and authorized by Chapter 1.16 of this code to make arrests for violations of provisions of this code is empowered and authorized to summarily abate a noise disturbance pursuant to the authority of Chapter 8.44 of this title. (Amended during 1999 recodification; prior code § 5992)

8.36.100 Costs for abatement of a noise disturbance assembly.

A. A noise disturbance assembly, as described below, is declared to be a public nuisance. In certain instances, the city may hold responsible persons civilly liable in accordance with this section, for costs incurred

by the city in responding to a noise disturbance assembly. When a large party or gathering occurs on a private premises and a police officer determines that such a party or gathering poses a noise disturbance to reasonable persons of normal sensitivities under this chapter (the "noise disturbance assembly"), or that the noise disturbance assembly is for any other reason a threat to the public peace, health, safety or general welfare, the person(s) in apparent charge or control of the premises and/or the person(s) apparently responsible for the noise disturbance assembly (or if any of those persons may be a minor, then the parents or guardians of that minor) shall be held civilly liable jointly and severally, for the costs of the city associated with providing police personnel and other emergency services to respond to the noise disturbance assembly. Except as provided below, no person shall be held civilly liable for such costs unless a police officer of the El Monte Police Department has first provided a written or verbal warning to abate the noise disturbance assembly to a person apparently in charge or otherwise apparently responsible for such a public nuisance. Proof that such a warning has been given to a person in apparent charge or responsible for such a public nuisance shall be conclusively evidenced by a copy of a written notice of noise disturbance assembly as delivered by a police officer in a form as shall be approved by the City Administrator, and the Chief of Police. The form of such a notice shall provide for the time and date of the initial response of emergency public safety services to the scene of the noise disturbance assembly by the city, and also identified the police officer who delivered the notice. The notice may contain such other information as referenced in this chapter and this section as the City Administrator and the Police Chief may deem appropriate.

B. No such verbal or written notice shall be required to be given by a Police Officer as a prerequisite to the city initiating any civil liability collection proceeding under this section in instances in which the duty watch commander of the El Monte Police Department has first determined that the initial response to a call for emergency public safety services relating to a noise disturbance assembly may pose a significant risk to the safety of the peace officers and other emergency service personnel responding or dispatched to such a call or that other grounds exist for waiving or dispensing with the requirement of such a notice. Such a determination of the duty watch commander that the waiver of notice is appropriate in a particular instance shall be evidenced by a written memorandum of the duty watch commander which contains a description of the facts and circumstances which support such a finding.

C. The cost for abatement of a noise disturbance assembly which may be recovered by the city pursuant to this section shall not exceed the sum of one thousand dollars (\$1,000.00) for a single incident. The costs for abatement of a noise disturbance assembly shall include the cost of providing police, fire fighting, rescue and emergency medical services at the scene of the public nuisance as well as the salaries of the public personnel responding to the public nuisance. The cost for abatement as authorized under this section constitutes a debt of the person(s) responsible for the public nuisance and is collectible by the city in the same manner as in the case of an obligation under a contract, expressed or implied. The city shall also separately assess the cost of its attorney's fees and court costs, including witness fees of peace officers and other emergency public safety services personnel, which may be associated with the collection of such abatement costs in any court proceeding.

D. The civil remedy as provided to the city by this section shall be cumulative to any other civil or criminal proceeding which the city may initiate against any person who may be responsible for a noise disturbance assembly, or otherwise involved with such a public nuisance or abatement. (Amended during 1999 recodification; prior code § 5993)

D. Violation of this chapter shall be prosecuted in the same manner as other misdemeanor violations of this code. No complaint shall be issued in the event the cause of violation is abated. In the event the alleged violator cannot be located in order to serve the notice of intention to prosecute, the notice as required herein shall be deemed to be given upon mailing such notice by registered or certified mail to the alleged violator at his or her last known address or at the place where the violation occurred. (Prior code §§ 5970—5970.4)

8.36.110 Manner of enforcement—Violation and penalty.

A. The City Administrative Officer or his or her duly authorized designee is directed to enforce the provisions of this chapter. No persons shall interfere with, oppose or resist any authorized person charged with enforcement of this chapter while such person is engaged in the performance of his or her duty.

B. Violations—Misdemeanors. Any person violating the provisions of this chapter shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in an amount not exceeding five hundred dollars (\$500.00) or be imprisoned in the county jail for a period not exceeding six (6) months or by both such fine and imprisonment. Each day such violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as such.

C. Violations—Additional Remedies—Injunctions. As an additional remedy, the operation or maintenance of any device, instrument, vehicle, or machinery in violation of any provision of this chapter, which operation or maintenance causes or creates noise levels exceeding the noise levels or vibrations as specified in this chapter shall be deemed, and is declared to be a public nuisance and may be subject to abatement, pursuant to Chapter 8.44 of this title.

Chapter 8.40

PRIVATE SWIMMING POOLS

Sections:

- | | |
|-----------------|-------------------------------|
| 8.40.010 | Pools to be fenced. |
| 8.40.020 | Gates and doors. |
| 8.40.030 | Plans. |
| 8.40.040 | Public pools excepted. |

8.40.010 Pools to be fenced.

Every person who owns or possesses land within the city which has been improved with a swimming pool shall construct, install and thereafter maintain a fence, enclosure or other solid structure surrounding such swimming pool which is not less than five (5) feet in height and having no opening therein (other than the self-closing doors or gates as hereinafter provided) larger than four (4) inches square. (Prior code § 3600)

8.40.020 Gates and doors.

A. All gates or doors opening through the solid enclosure required by Section 8.40.010 shall, at all times, be equipped with a self-closing and self-latching device designed to keep and capable of keeping such door or gate securely closed at all times when such gate or door is not in actual use.

B. Exception. Any door of any dwelling occupied by human beings and forming any part of the solid enclosure, required by Section 8.40.010, need not be equipped as required by subsection A of this section. (Prior code §§ 3601, 3602)

8.40.030 Plans.

All plans hereafter submitted to the city for swimming pools to be constructed shall show on their face compliance with the requirements of this chapter. (Prior code § 3603)

8.40.040 Public pools excepted.

The provisions of this chapter shall not apply to public swimming pools for which a charge or admission price is required to be paid for admittance thereto or use thereof. (Prior code § 3604.1)

Chapter 8.44

PROPERTY MAINTENANCE

Sections:

8.44.010	Purpose and intent.
8.44.020	Definitions.
8.44.030	Public nuisances designated.
8.44.040	Abatement procedure.
8.44.050	Abatement procedure—Notice of hearing.
8.44.060	Abatement procedure—Hearing.
8.44.070	Abatement procedure—Order by Hearing Officer.
8.44.080	Liability of officers or employees of the city.
8.44.090	Repairs to be made in accordance with building, fire and health regulations.
8.44.100	Failure to comply with order—Hearing Officer may sell, repair, improve, relocate, vacate, demolish and remove by resolution.
8.44.110	Other provisions of the municipal code unaffected.
8.44.120	Record of cost for abatement.
8.44.130	Report of abatement—Hearing and proceedings.
8.44.140	Assessment of costs against property—Lien.
8.44.150	Preliminary recorded notice of Hearing Officer's proceedings.
8.44.160	Owner responsibility.
8.44.170	Alternatives.
8.44.180	Violation—Penalty.

8.44.010 Purpose and intent.

A. In order to further the stated goals of the city and to protect its citizens and their property from conditions which are offensive or annoying to the senses, detrimental to property values and community appearance, or hazardous or injurious to the health, safety, or welfare of the general public, the City Council has determined that this chapter pertaining to nuisance abatement is necessary to effectively abate or prevent the development of such conditions in the city.

B. It is the intention of the City Council, in adopting the ordinance codified in this chapter, to set forth guidelines for determining what conditions constitute a public nuisance; to establish a method for giving notice of the

conditions and an opportunity to correct; and finally in the event the public nuisance is not abated or corrected, to provide a procedure for a hearing and determination of the facts and manner in which the conditions shall be corrected or removed.

C. It is the purpose of this chapter to provide a just, equitable, and practical method, in addition to any other remedy available at law or equity, whereby lands or buildings which are dilapidated, unsafe, dangerous, unsanitary, cluttered with weeds and/or debris, abandoned vehicles, machinery or equipment, or are a menace, or hazard to life, limb, safety, health, morals, property values, aesthetic standards, or the general welfare of the city, may be required to be repaired, renovated, vacated, demolished, made safe, or cleaned up by removal of offensive conditions.

D. In addition to the abatement procedures provided herein, this chapter declares certain conditions to be public nuisances and that maintenance of such conditions shall be a misdemeanor.

E. This chapter is not intended to enforce Conditions, Covenants, and Restrictions (CC&R's) on property, nor to supersede them. This chapter will be enforced uniformly within the city regardless of CC&R's. Therefore, this chapter does not abrogate the right of any homeowner's association or private citizen to take action, legal or as otherwise provided in the CC&R's, to force compliance with the CC&R's applicable to their tract or association even though the CC&R provisions may be the same, more restrictive, or may not be covered by this chapter. (Added during 1999 recodification as § 8.52.100)

8.44.020 Definitions.

For the purpose of this chapter, certain words and phrases are defined, and the definitions set forth as follows shall apply to the provisions of this chapter unless it is apparent from the context that a different meaning is necessarily intended:

"Hearing Officer" means that person as defined under Chapter 1.18 of Title 1 of this code.

"Inoperative vehicle" means a vehicle that cannot or may not be operated for mechanical or statutory reasons, including, but not limited to, flat tires, engine failure, electrical malfunction, or nondisplay of current license plates, tabs or stickers as required by Article IX of Chapter 1 of Division 3 of the California Vehicle Code. An inoperative vehicle also includes, but is not limited to, a vehicle which cannot be legally driven on any public street or other area due to lack of front headlights and rear brake lights, windshield, wipers, front and rear bumper(s), or any other equipment required by the California Vehicle Code, any

vehicle defined as a “nonrepairable vehicle” or “total loss salvage vehicle” by the California Vehicle Code, and any vehicle registered with the state as a “nonoperated vehicle” when a “certificate of nonoperation” has been filed with the Department of Motor Vehicles under Article V of Chapter 1 of Division 3 of the California Vehicle Code.

“Junk” means and includes in addition to junk as defined by Section 746 of the Streets and Highways Code, any cast-off, damaged, discarded, junked, obsolete, salvaged, scrapped, unusable, worn-out or wrecked object, thing or material composed in whole or in part of asphalt, brick, carbon, cement, cotton, dirt, fiber, glass, metal, paper, plaster, plaster of paris, plastic, rubber, terra cotta, wool, wood or other substance, including, but not being limited to, used, discarded or obsolete batteries, rope, rugs, trash, vegetation, vehicles or waste, or any accumulation of objects of any kind, of such size, quantity or nature that the same cannot be lawfully used within a reasonable time upon the property upon which the same is located.

“Junkyard” means and includes any building, equipment, land, lot, place, premises or structures where, at upon which, to which or from which is abandoned, baled, bartered, bought, brought, bundled, disassembled, disposed of, exchanged, handled, packed, processed, shipped, sold, stored or transported any junk as defined by Section 746 of the Streets and Highways Code, or any cast-off, damaged, discarded, junked, obsolete, salvaged, scrapped, unusable, worn-out or wrecked object, thing or material composed in whole or in part of asphalt, brick, carbon, cement, cotton, dirt, fiber, glass, metal, paper, plaster, plaster of paris, plastic, rubber, terra cotta, wool, wood or other substance, including, but not being limited to, used, discarded or obsolete batteries, clothing debris, equipment, floor coverings, garbage, logs, lumber, rags, rope, rugs, trash, vegetation, vehicles or waste.

Exception: “Junkyard” does not include any business engaged in the buying or selling of new or used furniture or useable household equipment conducted within a zone permitting such business and conducted in accordance with all regulations applicable to such business, nor to the business of buying and selling used automobiles in operable condition when conducted within a zone permitting such business and conducted in accordance with all regulations applicable thereto, nor to the storage or use of used or salvaged materials in connection with a manufacturing operation conducted on the premises located within a zone permitting such business and conducted in accordance with all regulations applicable thereto.

“Premises” means and includes whenever applicable or appropriate any building, equipment, land, lot, place or structure.

“Solid waste” means as defined in Section 8.20.010 of this code.

“Yard area” means any open space between a lot line and the nearest building. (Ord. 2605 § 1 (part), 2004: Ord. 2602 § 1 (part), 2004: added during 1999 recodification as §§ 8.52.200—8.52.207)

8.44.030 Public nuisances designated.

It is unlawful and it is declared to be a public nuisance for any person owning, leasing, occupying, or having charge or possession of any residential, agricultural, commercial, industrial, business park, office, educational, religious, vacant, or other premises within the city, to maintain such premises in such a manner that any of the following conditions are found to exist thereon:

A. A violation of any city or county ordinance, rule, regulation and/or code adopted by reference by this code, or any violation of a state or federal law or regulation.

B. Any land, the topography, geology, or configuration of which, whether in a natural state or as a result of grading operations, excavations, fill, or other alteration, interferes with the established drainage pattern over the property or from adjoining or other properties which does or may result in erosion, subsidence, or surface water drainage problems of such magnitude as to be injurious to public health, safety and welfare or to neighboring properties.

C. Any building or structure which is partially destroyed, damaged, abandoned, boarded up, dilapidated, or permitted to remain in a state of partial construction.

D. The failure to secure and maintain against public access through any doorways, windows, and other openings into vacant or abandoned buildings or structures, and the failure to provide fencing to secure and prevent access to any vacant or abandoned building, structure or lot.

E. Painted buildings and walls, retaining walls, fences or structures that require repainting, or buildings, walls, fences, or structures upon which the condition of the paint has become so deteriorated as to permit decay, excessive checking, cracking, peeling, chalking, dry rot, warping or termite infestation.

F. Any premises, building or structure, wall, fence, pavement, or walkway which is painted in a garish manner, or in bright, fluorescent, or luminescent colors, which is out of harmony or conformity with the standards of adjacent properties.

G. Any building or structure, wall, fence, pavement, window, vehicle, or walkway upon which any graffiti, including paint, ink, chalk, dye, etchings, or other similar marking substances, is allowed to remain for more than twenty-four (24) consecutive hours.

H. Any wall, fence, gate, or hedge that is damaged, broken, dilapidated or a hazard or is maintained in violation of this code.

I. Any wall, fence, gate, or hedge that is covered by or constructed of, whether totally or partially:

1. Bamboo or other similar reed material, whether natural or artificial;
2. Tarpaulin materials, whether natural or man-made;
3. Plastic materials;

J. Broken windows, missing windows, windows boarded up in an occupied structure for more than fifteen (15) consecutive days, missing or damaged window screens where required in structures used for residential purposes.

K. Any overgrown, unmaintained, under-maintained, dead, decayed, diseased or hazardous tree, weeds, grass, vegetation, or debris, which:

1. May harbor rats, vermin, excessive amounts of insects, or other disease carriers;
2. Is maintained so as to cause an obstruction to the vision of motorists or a hazardous condition to pedestrians or vehicle traffic;
3. Constitutes an unsightly appearance;
4. Creates a danger or attractive nuisance to the public;
5. Causes detriment to neighboring properties or property values;
6. Constitutes a fire hazard;

L. Building exteriors, roofs, landscaping, grounds, walls, retaining and crib walls, fences, driveways, parking lots, easements, planters, sidewalks, or walkways, which are maintained in such condition so as to become defective, unsightly, cracked or no longer viable.

M. The accumulation of dirt, litter, trash, junk, feces, or debris in doorways, adjoining sidewalks, walkways, courtyards, patios, parking lots, planters, yard areas, landscaped or other areas.

N. Any premises upon which there is or is permitted to be:

1. Lumber, building materials, rubble, broken asphalt or concrete, containers, or other similar materials, except where construction is occurring under a valid permit;
2. Junk, solid waste, vegetation, salvage materials, scrap metals, hazardous waste, broken or neglected machinery, dirt or fill material deposited or stored contrary to any law, automobile parts, except within a commercial business lawfully engaged in retail sales;
3. Rocks, except in their natural state and location;

4. Sinks, fixtures or equipment, appliances or furniture, except lawn furniture in residential yards and new or used furniture lawfully stored or displayed in connection with a valid business engaged in the sale or purchase of the same;

5. Inoperative vehicles, except where permitted by the zoning code; and such conditions are causing damage or detriment to any neighboring property or are lowering the property values of any neighboring property or are visible from a public right-of-way, alley, or any neighboring property, or constitute a fire hazard;

O. Deteriorated driveways, walkways, and parking lots, including those containing pot holes, or cracks.

P. Abandoned, broken, unused, neglected or unprotected equipment and machinery, ponds, reservoirs and pools, whether or not the same contains any water or liquid, excavations, abandoned wells, shafts, basements, foundations, or other holes, abandoned refrigerators or other appliances, abandoned motor vehicles, any unsound structure, skateboard ramps, or accumulated lumber, solid waste, junk, or vegetation, which may reasonably attract children to such abandoned or neglected conditions.

Q. 1. Construction equipment, buses, tow trucks, taxicabs and vehicles-for-hire, dump trucks, flatbed trucks, grading equipment, tractors, tractor trailers, truck trailers, or any commercial vehicle over twenty-five (25) feet long or eight (8) feet in height or eighty (80) inches wide, supplies, materials, or machinery of any type or description, parked or stored upon any street or property within a residential zone, except where permitted by this code or state law;

2. "Commercial vehicle," for the purposes of this section, means any motorized or non-motorized vehicle used or maintained to transport property or goods for profit, or persons for hire or compensation;

R. Temporary service bins, dumpsters, or storage containers, or construction debris storage bins stored on a public street or on private property, except where permitted by this code.

S. Any garbage can, solid waste container, solid waste, packing box or junk placed or maintained so as to be visible from neighboring properties or the public right-of-way, except for those times scheduled for collection, in accordance with this code.

T. Any property with accumulations of grease, oil, or other hazardous material on paved or unpaved surfaces, driveways, buildings, walls, or fences, or from which any such material flows or seeps on to any public street or other public or private property, or which is likely to seep or migrate into the underground water table.

U. Any front yard, street side yard, parkway, or landscaped setback area, which lacks turf, other planted material, decorative rock, bark, or planted ground cover or covering, so as to cause excessive dust, or which constitutes an unsightly appearance, or which has allowed the accumulation of debris.

V. Any condition of vegetation overgrowth, which encroaches into, over, or upon any public right-of-way, including, but not limited to, streets, alleys, or sidewalks, so as to constitute either a danger to the public safety or property or any impediment to public travel.

W. Animals, livestock, poultry, insects, or bees kept, bred, or maintained for any purpose and in violation of this code or any other code adopted by this city.

X. Any habitation which is overcrowded with persons or animals, as defined by state law, or local ordinance, or the Uniform Housing Code, as adopted by the city, or which lacks adequate light, ventilation, sanitation, or plumbing facilities, or which constitutes a fire hazard.

Y. Any premises, building or structure which has been constructed or which now exists or is maintained or occupied in violation of the Uniform Building Code, Uniform Fire Code, Uniform Housing Code, Uniform Plumbing Code, Uniform Mechanical Code or National Electrical Code as adopted by this code, or any other law or ordinance of this state or city.

Z. 1. Except where construction is occurring under a valid permit, the dumping or deposit of any solid waste or junk in or upon any public or private highway or road, including any portion of the right-of-way thereof, or in or upon any private property into or upon which the public is admitted by easement or license, or upon any private property without the consent of the owner, or in or upon any public park or any public property other than property designated or set aside for that purpose by the governing board or body having charge of that property;

2. Except where construction is occurring under a valid permit, any placing, depositing, or dumping of any rocks or dirt in or upon any private highway or road, including any portion of the right-of-way thereof, or any private property, without the consent of the owner, or in or upon any public work or other public property, without the consent of the state or local agency having jurisdiction over the highway, road, or property;

AA. Any other condition declared by any federal, state, county, or city statute, code, ordinance, or regulation to be a public nuisance.

BB. The parking of vehicles on private property in violation of the applicable zoning regulations for the property on which such vehicles are parked.

CC. Any trailer, camper, boat, dumpster, storage bin or container, or other mobile equipment stored for an unreasonable period of time in any yard area.

DD. Storage on top of rooftops or carports.

EE. 1. Repair and/or dismantling of any vehicle or boat on a residentially zoned or residentially used property where such activity can be seen from the public right-of-way, except where such repair and/or dismantling is completed and any evidence of repair, including tools, equipment, motor oils and other fluids, rags, spills, parts, and debris is removed within one day after the repair or dismantling was begun. All major vehicle repairs must be conducted within an enclosed garage. No repair or dismantling of a vehicle or boat on a residentially zoned or residentially used property shall be done except on a vehicle or boat that is owned or leased by, and registered to, a person that permanently resides at the premises at which the repair or dismantling is occurring, except for emergency repairs necessary to repair a vehicle or boat to an operable condition that can be completed in less than one hour. No vehicle repair may be conducted in a customer parking lot serving an auto part or other store;

2. "Minor repair," for the purposes of this section, means those repairs that can be started and completed in less than four (4) consecutive hours, and are not defined as "major repairs";

3. "Major repair," for the purposes of this section, means those repairs that cannot be started and completed in less than four (4) consecutive hours, or any body and fender work, or any painting or primer work;

FF. Any building, use or structure wherein one or more persons engage, or have engaged, in two (2) or more acts which are prohibited pursuant to the laws of the state, the provisions of this code or any other penal ordinance of this city, including, but not limited to, the following acts:

1. Unlawful possession or use of controlled substances;

2. Prostitution;

3. Gambling;

4. Solicitation for any unlawful conduct;

GG. Any clothes line in a front or side yard area, any clothing or similar materials hanging or left outside on a fence, gate, patio, balcony, bush, hedge, tree, or any other place outdoors so that they are visible from the public right-of-way or any neighboring property.

HH. Any premises upon which a tarpaulin, whether natural or manmade, is visible from the public right-of-way or any neighboring property, except during emergency weather conditions as determined by the Code Enforcement Supervisor.

II. (Reserved).

JJ. The maintenance of property in such an unsightly or defective condition or in such condition of deterioration or disrepair that the same causes appreciable diminution of the property values of surrounding properties or is materially detrimental to nearby properties and improvements.

KK. The maintenance of premises so out of harmony or conformity with the maintenance standards of adjacent properties as to cause substantial diminution of the enjoyment, use, or property values of such adjacent properties.

LL. Any premises upon which a defective, broken, dilapidated, garish or unsightly mailbox is visible.

MM. 1. Any premises on a residentially zoned or residentially used property that has "holiday lights" or "holiday decorations" displayed, put up, or installed on the exterior of a building or structure, wall, window, door, fence, yard area, planter, tree, hedge, bush, antenna, or other similar place visible from the public right-of-way or any neighboring property either forty-five (45) calendar days before or thirty (30) calendar days after the holiday for which the "holiday lights" or "holiday decorations" were put up, installed, or displayed to celebrate;

2. "Holiday lights" and "holiday decorations," for the purposes of this section, mean any temporary set of lights or decorations commonly put up, installed, or displayed on the exterior of a building or structure, wall, window, door, fence, yard area, planter, tree, hedge, bush, antenna, or other similar place visible from the public right-of-way or any neighboring property for the celebration of a holiday. "Holiday" means any city, state, or federal holiday, and Halloween (October 31);

NN. Any structure in a state of substantial deterioration, including, but not limited to, peeling paint on a facade, broken windows, roof in disrepair, damaged porch, broken steps or other deterioration or disrepair, that is visible from the public right-of-way or from neighboring properties.

OO. Any condition or activity which adversely affects the health, peace or safety of persons residing or working on the premises or in the surrounding area.

PP. Any condition or activity which jeopardizes or endangers the public health or safety of persons residing or working on the premises or in the surrounding area.

QQ. "Repeated nuisance activities" defined as activities occurring on at least two (2) or more occasions within a twelve (12) consecutive month period, and including, but not limited to, disturbances of the peace, illegal drug activity, public drunkenness, drinking in public, harassment of passersby, gambling, prostitution, sales of stolen goods, public urination, theft, assaults, batteries, acts of vandalism, loitering, excessive littering, illegal parking, loud noises particularly in late night or early morning hours,

traffic violations, curfew violations, lewd conduct, or police detentions and arrests related to such activities. (Ord. 2605 § 1 (part), 2004: Ord. 2602 § 1 (part), 2004: added during 1999 recodification as §§ 8.52.300—8.52.334)

8.44.040 Abatement procedure.

A. Method. All or any part of any premises found, as provided herein, to constitute a public nuisance shall be abated by rehabilitation, repair, improvement, relocation, vacation, demolition or removal, or any combination thereof, pursuant to the procedures set forth in this section. The procedures set forth in this section shall not in any manner limit or restrict the city from enforcing any other provision of this code or from abating any public nuisance in any other manner provided by law.

B. Inspection. Upon being granted permission by the occupant or owner, or after having obtained an appropriate warrant upon the occupant's or owner's refusal to consent to an inspection, the Code Enforcement Supervisor or his or her authorized agent shall cause any premises, building or structure to be inspected for the purpose of determining whether or not it is a public nuisance within the meaning of Section 8.52.030 of this chapter in any of the following events:

1. Whenever the Code Enforcement Supervisor in his or her reasonable discretion shall determine such inspection is necessary; or

2. Whenever any person files with the Code Enforcement Supervisor a verified complaint wherefrom there is in the opinion of the Code Enforcement Supervisor probable cause to believe that the premises, building or structure is a public nuisance; or

3. Whenever the Health Officer of the county or any officer or employee of the city transmits to the Code Enforcement Supervisor a written report from the facts of which there is in the opinion of the Code Enforcement Supervisor probable cause to believe that the premises, building or structure is a public nuisance within the meaning of this chapter.

C. Report of Code Enforcement Officer. Upon the completion of the inspection, the Code Enforcement Officer making the inspection shall file with the Code Enforcement Supervisor a written report setting forth the facts as to the condition of the premises, building or structure and the work needed to be done thereon, all in such form as the Code Enforcement Supervisor may direct.

D. Code Enforcement Supervisor to Act on Report. If the Code Enforcement Supervisor shall determine from the report of the Code Enforcement Officer that there is probable cause to believe that the premises, building or structure is a public nuisance, the matter shall be set for a hear-

ing and notice of such hearing shall be given by the Code Enforcement Supervisor as hereinafter provided. In the event the Code Enforcement Supervisor finds that there exists an emergency requiring immediate correction to protect the safety or well-being of the occupants of any such premises, building or structure or to protect the safety of persons or structures on adjacent property, the Code Enforcement Supervisor's authorized agent may, pending action by the Hearing Officer, abate the hazard or order the owner or person in charge of the premises, building or structure to take such remedial or corrective action as may be necessary to eliminate the hazard and may, in addition, if the circumstances require, order that the premises, building or structure and any adjacent premises, building or structure endangered hereby, be vacated forthwith. Each such vacated premises, building or structure shall be secured against egress and ingress and shall not be re-occupied until the hazard necessitating its vacation has been eliminated. The Code Enforcement Supervisor or his or her authorized agent shall post thereon two (2) placards stating:

**"DO NOT ENTER"
UNSAFE TO OCCUPY**

It is a misdemeanor to occupy these premises
or to remove or deface this Notice.

(Signature)

CODE ENFORCEMENT SUPERVISOR
CITY OF EL MONTE
TELEPHONE: (626) 580-2080

DATED: _____

No person shall remove or deface any such placards after they have been posted without the permission of the Code Enforcement Supervisor. (Ord. 2600 § 1 (part), 2004; Ord. 2551 § 2 (part), 2002; added during 1999 recodification as §§ 8.52.400—8.52.404)

8.44.050 Abatement procedure—Notice of hearing.

A. Notice of the hearing shall be given in a form prescribed by the Code Enforcement Supervisor and approved by the City Attorney. It shall set forth the street address and a legal description sufficient to establish the identification and location of the premises, building or structure. It shall contain a brief statement of the conditions mentioned in the report of the Code Enforcement Officer which show probable cause to believe that the premises, building or structure is a public nuisance within the terms of Section 8.52.030. It shall state the date, hour and place of the hear-

ing and shall order all interested parties who desire to be heard in the matter to appear before the Hearing Officer to show cause why the public nuisance should not be ordered rehabilitated, repaired, improved, relocated, vacated, demolished or removed.

B. Posting. Two (2) copies of the notice of hearing shall be posted in a conspicuous place upon the premises, building or structure involved at least ten (10) days prior to the date set for hearing.

C. Service. One copy of the notice of hearing shall be served upon the following: The person in real or apparent charge and control of the premises involved; the record owner; the holder of any mortgage, trust deed, or other lien or encumbrance of record; the owner or holder of any lease of record; the record holder of any other estate or interest in or to the premises, building or structure.

D. The notice of hearing shall be served upon all persons entitled thereto either personally or by certified mail at least ten (10) days before the date of the hearing. Service by mail shall be effective on the date of mailing if mailed, postage prepaid, return receipt requested, to the address of the person as it appears on the last equalized assessment roll of the county or as known to the Code Enforcement Supervisor. If no such address so appears or is unknown to the Code Enforcement Supervisor, then the notice shall be addressed to such person at the address of the premises, building or structure involved in the proceedings. The failure of an owner or other person to receive notice duly mailed shall not affect in any manner the validity of any proceedings taken hereunder.

E. Declaration. The Code Enforcement Supervisor upon giving notice as provided shall file a declaration thereof under penalty of perjury with the Hearing Officer, certifying to the time and manner in which notice was given. He or she shall also file therewith any receipt card which may have been returned to him or her in acknowledgment of the receipt of such notice by certified mail. (Ord. 2600 § 1 (part), 2004; Ord. 2551 § 2 (part), 2002; added during 1999 recodification as §§ 8.52.405—8.52.409)

8.44.060 Abatement procedure—Hearing.

A. It shall be the duty of the Hearing Officer to hold a hearing upon the report of the Code Enforcement Officer, and to hear and consider any evidence offered by the owner, occupant or person in charge and control, mortgagee or beneficiary under any deed of trust, lessee, or any other person having any estate or interest in said premises, building or structure, pertaining to the matter set forth in the report. The Hearing Officer shall make written findings of fact as to whether or not the premises, building or

structure in question is a public nuisance within the meaning of this chapter. The Hearing Officer shall issue an appropriate order.

B. The Hearing Officer may request reports of other departments whenever in the course of any proceedings taken hereunder the Hearing Officer may have cause to require additional evidence as to whether or not any premises, building or structure is a fire or life hazard or is detrimental to the health of the persons living therein or thereon in comparison with other premises or buildings or structures constructed in accordance with the minimum requirements of the Building Code. The Hearing Officer may request that the same be inspected by any officer of the city who may provide information pertinent to the proceedings. The officer to whom such request is directed shall cause the premises, building or structure to be inspected with particular reference to the characteristics inquired about, and a report thereof in writing shall be transmitted to the Hearing Officer within five (5) days of the receipt of the request for such report. The report shall be considered along with other evidence at the hearing. (Ord. 2551 § 2 (part), 2002; added during 1999 recodification as §§ 8.52.410, 8.52.411)

8.44.070 Abatement procedure—Order by Hearing Officer.

A. Within thirty (30) days after the conclusion of the hearing, the Hearing Officer shall render his or her decision, either closing the proceedings or ordering that the premises, building or structure be rehabilitated, repaired, improved, relocated, vacated, demolished or removed. In the absence of any appeal to the City Council, the action of the Hearing Officer shall be final and conclusive on the date of service of the order.

B. Contents of the Order. The order shall set forth the street address of the premises, building or structure and a legal description of the premises sufficient for identification. It shall contain a statement of the particulars which render the premises, building or structure a public nuisance and a statement of the things ordered to be done. The Hearing Officer shall specify the time within which the work must be commenced, which shall be not less than ten (10) days nor later than thirty (30) days after the issuance of the order, and the Hearing Officer shall further specify a reasonable time within which the work shall be completed. The time for completion may be extended for cause by the Hearing Officer. This extension shall only be granted in writing upon application of an interested party.

C. Posting and Service of the Order of the Hearing Officer. A copy of an order of the Hearing Officer shall be posted and served in the manner prescribed for the posting

and service of the notice of hearing by the Hearing Officer.

D. Appeal of an Order of the Hearing Officer. Any interested person may appeal an order of the Hearing Officer to the City Council by filing with the City Clerk a written notice of appeal with respect to such order within nine (9) calendar days after completion of service of such order of the Hearing Officer. The written notice of appeal shall be submitted on a form provided to the applicant by the City Clerk and shall contain the following information:

1. The name, address, and telephone number of the person filing the appeal and the name, address and telephone number of the owner(s) of the property and each and every tenant who may occupy such property;
2. A description of the property and a brief description of the contents of the order of the Hearing Officer for which the appeal is filed;
3. A brief description regarding the applicant's reason for seeking an appeal of the order of the Hearing Officer including, if applicable, a brief specification of the contents of the order of the Hearing Officer which the applicant contends are inaccurate, unduly burdensome, or unlawful;
4. A brief description of the manner in which the applicant proposes to resolve the property maintenance deficiencies, if any, which exist on the property, including a time schedule for resolving such problems, if applicable;
5. Any other relevant information which the applicant may wish to provide to the City Council for its consideration including photographs of the property, maps or other materials;
6. A written notice of appeal shall be accompanied by the following declaration attested by the applicant:

I declare under penalty of perjury that the factual information contained in the foregoing written Notice of Appeal is true and correct to the best of my knowledge or is based upon information which I believe to be true and correct. I further declare that each and every opinion stated in this Notice of Appeal is stated in good faith.

7. A filing fee of fifty dollars (\$50.00) payable to the city shall be submitted to the City Clerk upon the filing of a written notice of appeal.

E. Consideration by the City Council of an Appeal from an Order of the Hearing Officer and Public Hearing thereon by the City Council. The City Council shall review each written notice of appeal of an order of the Hearing Officer as may be filed with the City Clerk at the next regular meeting of the City Council for which such item

may be considered. The filing of a written notice of appeal shall stay the effect of an order of the Hearing Officer. Upon review of a written notice of appeal, the City Council may by minute order or by resolution deny the appeal, affirm the order of the Hearing Officer and reinstate the effective date thereof, or the City Council may set a date for a public hearing on such appeal for the purpose of receiving additional evidence or testimony which is not included in the record of the proceedings of the Hearing Officer or the written notice of appeal. Notice of such a public hearing shall be transmitted to the person whose name appears on the notice of appeal and to such other persons as may be beneficially interested in the property. Completion of service of such notice of public hearing shall be conclusively evidenced by transmittal thereof by U.S. Mail, first class postage prepaid, to the address of the applicant as specified on the written notice of appeal. The public hearing on the appeal shall be conducted at a regular or adjourned regular meeting of the City Council on a date for which a special meeting has been ordered for consideration of such a matter and the City Council may continue such public hearing from time to time. Upon the close of the public hearing regarding the appeal, the City Council may modify or affirm the order of the Hearing Officer and reinstate or modify the effective date thereof. The decision of the City Council with respect to the disposition of a written notice of appeal or any action ordered following a public hearing thereon shall be final and conclusive. In the event that the order of Hearing Officer may be reversed or modified by the City Council, the City Council may authorize the refund to the applicant of the filing fee which accompanied the written notice of appeal. (Ord. 2551 § 2 (part), 2002; Added during 1999 recodification as §§ 8.52.412—8.52.416)

8.44.080 Liability of officers or employees of the city.

A. No officer, agent or employee of the city shall be personally liable for any damage incurred or alleged to be incurred as a result of any act required, permitted for authorized to be done or performed in the discharge of his duties pursuant to this chapter. Any suit brought against any officer, agent or employee of the city as a result of any act required, permitted or authorized in the discharge of his duties under this chapter shall be deemed an action against the city and shall be defended by the City Attorney.

B. The City Attorney shall appear at the request of the Hearing Officer at any hearing before the Hearing Officer with regard to matters pertaining to this chapter, and

shall take such legal action as is necessary to carry out the terms and provisions of this chapter.

C. **Duty to Report Violations.** The Fire Chief, Police Chief, Director of Community Development, Assistant Director of Community Development, Chief Building Official, and the other department heads of the city shall make reports in writing to the Code Enforcement Supervisor of any premises, building or structure which is believed to be a public nuisance within the meaning of this chapter whenever the facts thereof shall come to the attention of such officer in his or her official capacity. (Ord. 2600 § 1 (part), 2004; Ord. 2551 § 2 (part), 2002; added during 1999 recodification as §§ 8.52.417—8.52.419)

8.44.090 Repairs to be made in accordance with building, fire and health regulations.

All repairs, alterations and reconstruction shall be made in the manner required by the provisions of the Building, Fire and Health Codes. Nothing in this chapter shall be deemed to permit or authorize any violation of these codes. (Added during 1999 recodification as § 8.52.420)

8.44.100 Failure to comply with order—Hearing Officer may sell, repair, improve, relocate, vacate, demolish and remove by resolution.

A. Whenever an order to rehabilitate, repair, improve, relocate, vacate, demolish or remove anything which constitutes a public nuisance from any premises, building or structure has not been complied with within the time set from the time that the order becomes final, or within such additional time as may for good cause be granted by extension, the Hearing Officer shall by resolution duly adopted have the power, in addition to any other remedy:

1. To cause the building or structure located on the premises to be sold in any manner which the Hearing Officer may determine; provided, however, that any such sale shall be upon the condition that the building or structure be forthwith demolished, the wreckage and debris thereof removed and the lot cleared and cleaned. The Hearing Officer may sell such building singly or otherwise as the Hearing Officer may find desirable in order to ensure that the consideration obtained from any one or any number of such buildings shall be adequate to pay the cost of demolition and of clearing and cleaning the sites. Any surplus from the sale of such building or structure or group of buildings or structures over and above the cost of demolition and of clearing and cleaning the sites shall be retained

to be distributed to the parties or persons lawfully entitled thereto;

2. To cause the building or structure located on the premises to be rehabilitated, repaired, improved, relocated, vacated, demolished or removed by such means as the Hearing Officer and the Code Enforcement Supervisor may deem advisable. All work of rehabilitation, repair, improvement, relocation, demolition or removal shall be accomplished under the supervision of the Code Enforcement Supervisor;

3. To cause to be removed or relocated from the premises anything which constitutes a public nuisance within the meaning of this chapter.

B. The cost of rehabilitation, repair, improvement, relocation, vacation, demolition or removal shall be paid through either funds derived from the city residential rehabilitation loan program and/or the paint-up/fix-up/energy conservation program or other appropriate programs authorized through the city's entitlement of Title I, community development block grant funds authorized under the Housing and Community Development Act of 1974 and 1977 and the Comprehensive Employment Training Act (Title VI: Stimulus), or from general funds specifically allocated by the City Council for that purpose and shall be assessed against the property upon which the particular public nuisance is located.

C. A resolution adopted pursuant to the provisions of subsection A of this section may be issued concurrently and in combination with an order issued pursuant to the provisions of Section 7.04.070A when both concern the same public nuisance, provided that such resolution shall not become effective until after expiration of the time specified in the order for abatement of said public nuisance, including any extensions granted thereto. (Ord. 2600 § 1 (part), 2004; Ord. 2551 § 2 (part), 2002; added during 1999 recodification as §§ 8.52.421, 8.52.422)

8.44.110 Other provisions of the municipal code unaffected.

The provisions of this chapter shall not be deemed to repeal by implication any other provision of the El Monte Municipal Code and the adoption, hereof shall not be deemed to affect or diminish the power or authority of any officer or employee of the city to condemn any building or structure erected or maintained in violation of any other provision of said code. (Added during 1999 recodification as § 8.52.423)

8.44.120 Record of cost for abatement.

The Code Enforcement Supervisor shall keep an account of the cost (including incidental expenses) of abating

such nuisance on each separate lot or parcel of land where the work is done and shall render an itemized report in writing to the City Council showing the cost of abatement and the rehabilitation, repair, improvement, relocation, vacation, demolition or removal of said premises, building or structures, including any salvage value relating thereto; provided that before said report is submitted to said City Council, a copy of the same shall be posted for at least five (5) days upon such premises, together with a notice of the time when said report shall be heard by the City Council for confirmation; a copy of said report and notice shall be served upon the owners of said property, in accordance with the provisions of Section 7.04.050 and this chapter at least five (5) days prior to submitting the same to the City Council; proof of said posting and service shall be made by affidavit filed with the City Clerk. The term "incidental expenses" shall include, but not be limited to, the actual expenses and costs of the city in obtaining title reports, in the preparation and service of notices, preparation of specifications, the preparation and award of contracts, all costs of inspecting any work done pursuant to this chapter, the costs of printing and mailing required hereunder, the costs of preparing materials for any hearing held pursuant to this chapter, and a reasonable additional sum to cover the cost of administrative overhead. (Ord. 2600 § 1 (part), 2004; added during 1999 recodification as § 8.52.424)

8.44.130 Report of abatement—Hearing and proceedings.

At the time and place fixed for receiving and considering said report, the City Council shall hear and pass upon the report and recommendation of the Code Enforcement Supervisor, together with any objections or protests. Thereupon the City Council may make such revision, correction or modification in the report as it may deem just, after which by resolution the report as submitted or as revised, corrected or modified, shall be confirmed. The decision of the City Council on all protests and objections which may be made shall be final and conclusive. (Ord. 2600 § 1 (part), 2004; added during 1999 recodification as § 8.52.425)

8.44.140 Assessment of costs against property—Lien.

A. The total cost for abating such nuisance, as so confirmed by the City Council, shall constitute a special assessment against the respective lot or parcel of land to which it relates, and upon recordation in the office of the County Recorder of a notice of lien, as so made and confirmed, shall constitute a lien on said property for the amount of such assessment.

B. After such confirmation and recordation, a copy may be delivered to the Tax Collector whereupon it shall be the duty of said Tax Collector to add the amounts of the respective assessments to the next regular tax bills levied against said respective lots and parcels of land for municipal purposes, and thereafter said amounts shall be collected at the same time and in the same manner as ordinary municipal taxes are collected and shall be subject to the same penalties and the same procedure under foreclosure and sale in case of delinquency as provided for ordinary municipal taxes or after such recordation, such lien may be foreclosed by judicial or other sale in the manner and means provided by law.

C. Such notice of lien for recordation shall be in a form substantially as follows.

(Claim of City of El Monte)

Pursuant to the authority vested by the provisions of Section 8.52 of the El Monte Municipal Code, the Code Enforcement Supervisor of the City of El Monte did on or about the ____ day of _____, 19____, cause the premises hereinafter described to be rehabilitated or the building or structure on the property hereinafter described to be repaired, improved, relocated, vacated, demolished or removed in order to abate a public nuisance on said real property; and the City Council of the City of El Monte did on the ____ day of _____, 19____, assess the cost of such rehabilitation, repair, improvements, relocation, vacation, demolition or removal upon the real property hereinafter described; and the same has not been paid nor any part thereof, and the said City of El Monte does hereby claim a lien on such rehabilitation, repair, improvement, relocation, vacation, demolition or removal in the amount of said assessment, to wit: the sum of \$_____; and the same shall be a lien upon said real property and shall bear interest at the rate of seven percent (7%) per annum until the same has been paid in full and discharged of record.

The real property hereinbefore mentioned, and upon which a lien is claimed, is that certain parcel of land lying and being in the City of El Monte, County of Los Angeles, State of California, and particularly described as follows:

(DESCRIPTION)
DATED: This ____ day of _____, 19____.

Code Enforcement Supervisor
of the City of El Monte

(Ord. 2600 § 1 (part), 2004; added during 1999 recodification as §§ 8.52.426—8.52.428)

8.44.150

**Preliminary recorded notice of
Hearing Officer's proceedings.**

A. The Code Enforcement Supervisor may recommend that the Hearing Officer authorize the recordation of a preliminary notice of the Hearing Officer's proceedings affecting a parcel of land with the office of the County Recorder. The owner of the property and interested persons shall be informed in the notice of hearing by the Hearing Officer that the Hearing Officer may consider the recommendation of the Code Enforcement Supervisor to cause a preliminary notice to be filed for recordation with the office of the County Recorder upon the conclusion of the hearing, if appropriate. The preliminary notice shall be filed for recordation substantially in the form described in this section.

B. During the hearing of the Hearing Officer upon the report of the Code Enforcement Officer, the Hearing Officer shall consider the recommendation of the Code Enforcement Supervisor to record a preliminary notice. If the Hearing Officer finds that a public nuisance exists on the property and that the reasonably estimated cost to the property owner or responsible party of complying with the order of the Hearing Officer exceeds five hundred dollars (\$500.00) and/or that such work or rehabilitation or compliance shall take more than five (5) days to complete, then in such event the Hearing Officer may approve the recommendation of the Code Enforcement Supervisor and authorize the recordation of a preliminary notice. The Hearing Officer may authorize the recordation of a preliminary notice in the event that a property owner or other interested person in privity with the property owner may request a continuance of the date set for the hearing upon the report of the Code Enforcement Officer.

C. The preliminary notice shall be filed for recordation substantially in the following form:

RECORDING REQUESTED BY
AND WHEN RECORDED MAIL TO
City of El Monte
Code Enforcement Division
11333 Valley Boulevard
El Monte, California 91731

Attn: Code Enforcement Supervisor

(Space Above Line Reserved
For Use By Recorder)

**PRELIMINARY NOTICE OF PROCEEDINGS
CITY OF EL MONTE
HEARING OFFICER AND ZONING REVIEW
COMMISSION**

PLEASE TAKE NOTICE that on _____, 19____, the City of El Monte Hearing Officer has initiated proceedings and approved a Work Order No. _____ regarding the existence of certain conditions upon the real property generally located at _____

El Monte, California (the "Property") and as more particularly described in Exhibit "A" attached hereto. Such conditions may constitute a public nuisance or be otherwise not in compliance with certain provisions of the El Monte Municipal Code and other applicable law. A copy of Work Order No. _____ may be reviewed a City Hall during regular business hours.

FOR FURTHER INFORMATION REGARDING THE PROPERTY AND THIS PRELIMINARY NOTICE, PLEASE CONTACT THE FOLLOWING PERSONS:

File No. _____	[Name of Property Owner] _____
(Title) _____	_____
City of El Monte	_____
Code Enforcement Division	_____
11333 Valley Boulevard	_____
El Monte, California 91731	_____
(626) 580-2080	_____

CITY OF EL MONTE

Dated: _____ By: _____
Code Enforcement Supervisor,
City of El Monte

(Jurat attached)
Exhibit "A"-Legal Description

D. A release of a preliminary notice may be recorded upon submission of proof acceptable to the Code Enforcement Supervisor that the conditions of an order of the Hearing Officer have been satisfied. A release of a preliminary notice shall be in substantially the following form:

**RECORDING REQUESTED BY
AND WHEN RECORDED MAIL TO:**

**City of El Monte
Code Enforcement Division
11333 Valley Boulevard
El Monte, California 91731**

Attn: Code Enforcement Supervisor

(Space Above Line Reserved
For Use By Recorder)

**RELEASE OF
PRELIMINARY NOTICE OF PROCEEDING
City of El Monte
Hearing Officer and Zoning Review
Commission**

PLEASE TAKE NOTICE that the terms and conditions of City of El Monte, California Hearing Officer and Zoning Review Commission Work order No. _____ dated _____, have been satisfied.

PLEASE TAKE FURTHER NOTICE that the City of El Monte hereby releases, terminates and cancels that certain Preliminary Notice of Proceedings, dated _____, and recorded as Instrument No. _____.

Said Instrument No. _____, formerly affected the real property generally located at _____

and more fully described in Exhibit "A" attached hereto.

CITY OF EL MONTE

Dated: _____ By: _____
Code Enforcement Supervisor
City of El Monte

(Jurat attached)
Exhibit "A"-Legal Description

E. In the event that the affected property owner or other person identified in the order of the Hearing Officer fails to submit proof acceptable to the Code Enforcement Supervisor that the conditions of an order of the Hearing Officer have been satisfied within one hundred forty (140) days of the date following the execution of a preliminary notice of proceedings or in the event that the affected property owner or other person affected by an order of the Hearing Officer has initiated an appeal or other review of such order and has not satisfied the terms of such an order, the Code Enforcement Supervisor shall cause to be filed

for recordation a notice of proceedings in substantially the following form:

**RECORDING REQUESTED BY
AND WHEN RECORDED MAIL TO:**

**City of El Monte
Code Enforcement Division
11333 Valley Boulevard
El Monte, California 91731
Attn: Code Enforcement Supervisor**

(Space Above Line Reserved
For Use By Recorder)

**NOTICE OF PROCEEDING
City of El Monte
Hearing Officer and Zoning Review
Commission**

NOTICE IS HEREBY GIVEN THAT ON _____, 19____, a duly noticed public hearing was held by the City of El Monte Hearing Officer and Zoning Review Commission for the purpose of determining whether a public nuisance as defined in the El Monte Municipal Code and other applicable law exists on the property located at _____

(the "Property")

as more particularly described in Exhibit "A" attached hereto.

At said public hearing the Property was found to be a public nuisance for the reasons identified in Work Order No. _____. A copy of said Work Order is on file with the City of El Monte Code Enforcement Division and may be inspected during regular business hours.

As of the date of this Notice of Proceedings one or more provisions of Work Order No. _____ have not been satisfied and interested persons are advised to Contact the following person for further information:

**CODE ENFORCEMENT
MANAGER
City of El Monte
Code Enforcement Division
11333 Valley Boulevard
El Monte, California 91731
(626) 580-2080**

This Notice of Proceeding extends the effectiveness of that certain Preliminary Notice of Proceeding dated _____, and recorded as Instrument No. _____.

Dated: _____ By: _____
CITY OF EL MONTE
Code Enforcement Supervisor,
City of El Monte

(Jurat attached)
Exhibit "A"-Legal Description

F. The Code Enforcement Supervisor shall concurrently upon the recordation of any document described in this section cause a copy of the document to be transmitted by First Class United States Mail to the persons who own, have a security interest in or who are tenants of the affected property at the address of such persons as may be known to the Code Enforcement Supervisor based upon reasonable inquiry.

G. A notice of proceedings shall be released, terminated and canceled upon the approval of the Code Enforcement Supervisor and certification from the Finance Director that: (1) either all sums which may be payable to the City of El Monte in connection with costs incurred by the city with respect to the abatement of the public nuisance have been paid; or (2) that other appropriate arrangements have been made for such payment. The form of such a release shall be in recordable form substantially similar to the form described in subsection D of this section.

H. The City Council may by resolution establish a schedule of fees and charges to be assessed by the Code Enforcement Supervisor in connection with the verification of information and preparation of documents in recordable form to release a preliminary notice or other notice of proceedings. Such fees and charges shall be limited to a charge which is reasonably estimated to be not more than the actual cost to the city, including reasonable overhead expenses, or reviewing and processing a request for such a release. (Ord. 2600 § 1 (part), 2004; Ord. 2551 § 2 (part), 2002; added during 1999 recodification as § 8.52.429)

8.44.160 Owner responsibility.

The owner of any premises within the city has the primary responsibility for keeping said premises free of public nuisances. Tenants and occupants of the premises, for the purposes of this chapter, shall be deemed to be the

agents of the owner. (Added during 1999 recodification as § 8.52.430)

suant thereto. (Ord. 2551 § 2 (part), 2002; added during 1999 recodification as §§ 8.52.501—8.52.502)

8.44.170 Alternatives.

Nothing in the foregoing sections shall be deemed to prevent the City Council from ordering the City Attorney to commence a civil or criminal proceeding to abate a public nuisance under applicable Civil or Penal Code provisions as an alternative to the proceedings set forth herein. (Added during 1999 recodification as § 8.52.431)

8.44.180 Violation—Penalty.

A. Maintenance of Public Nuisances Prohibited. The owner, the owner's agent, or any other person having charge or control of any premises within the city, who maintains any public nuisance as defined in this code is guilty of a misdemeanor. Each person shall be guilty of a separate offense for each and every day during any portion of which any violation of the provisions of this code is committed or permitted to continue.

B. Penalties for Disregarding Order. The owner or other person having charge and control over any premises, building or structure determined by the Hearing Officer to be a public nuisance who shall fail to comply with an order of the Hearing Officer after it becomes final shall be guilty of a misdemeanor. The occupant or lessee in possession who fails to comply with any order to vacate such premises, building or structure in accordance with such order given as provided for in this chapter shall be guilty of a misdemeanor. Any person who removes or defaces any notice or order posted as required by this chapter shall be guilty of a misdemeanor.

C. Interference Prohibited. No person shall obstruct, impede or interfere with any representative of the Hearing Officer or with an officer of any department of the city, or with any person who owns or holds any estate or interest in any premises, building or structure which has been ordered by the Hearing Officer to be rehabilitated, repaired, improved, relocated, vacated, demolished or removed, or with any person to who such premises, building or structure has been lawfully sold pursuant to the provisions of this chapter, whenever any such representative of the Hearing Officer, officer of the city, purchaser or person having an interest or estate in such premises, building or structure is engaged in rehabilitating, repairing, improving, relocating, vacating, demolishing or removing any thing which constitutes a public nuisance from such premises, building or structure pursuant to the provisions of this chapter, or in performing any necessary act preliminary to or incidental to such work, or authorized or directed pur-

Chapter 8.48**MISCELLANEOUS HEALTH REGULATIONS****Sections:**

- | | |
|-----------------|----------------------------------|
| 8.48.010 | Lunch cart near school. |
| 8.48.020 | Toilets. |
| 8.48.030 | Other animals—Keeping of. |

8.48.010 Lunch cart near school.

No person shall maintain or conduct any lunch, meal, or eating cart, wagon or stand, in or upon any public street or other public place within three hundred (300) feet of the nearest property line of any property upon which a public school building is located. (Prior code § 5500)

8.48.020 Toilets.

No person shall install, maintain or use any water closet in any premises or in any house or building unless it be flushed with water contained in a tank holding not less than four (4) gallons of water, provided however, that a flush meter valve or other similar apparatus may be used, and provided further that said water closet shall be connected with the sewer system of the city where the sewer connects with the street or alley upon which said premises, house or building abuts and in all other cases to a cesspool, which said cesspool shall be located and constructed in accordance with the provisions of this code. (Prior code § 5501)

8.48.030 Other animals—Keeping of.

No person shall keep at any location within the city any horse, colt, mule, burro, bull, cow, calf, goat or sheep except as expressly permitted pursuant to the city's zoning regulations. (Added during 1999 recodification as prior code § 5502)

Chapter 8.54

ABANDONED CARTS—RETRIEVAL AND
IMPOUNDMENT

Sections:

- 8.54.010 Properly marked carts—
Unauthorized removal or
possession.
- 8.54.020 Properly marked carts—
Abandonment and procedures for
impoundment.
- 8.54.030 Unmarked or inadequately
marked carts.
- 8.54.040 Mandatory cart signage.
- 8.54.050 Use of carts on premises—
Compliance with containment
requirements.
- 8.54.060 Violation of chapter; alternatives
to criminal prosecution.
- 8.54.070 Cumulative effect.
- 8.54.080 Notices; deadlines dates.
- 8.54.090 Administration and enforcement.
- 8.54.100 Definitions.
- 8.54.110 Declaration of public nuisance.

8.54.010 Properly marked carts—
Unauthorized removal or possession.

A. *Carts Subject to this Section.* This section shall apply to all carts that satisfy all of the signage requirements set forth under Section 8.54.040 (Mandatory Cart Signage) of this chapter.

B. *General Prohibition.* It is unlawful for any person to do any of the following with any cart subject to this section:

1. Remove the cart from the premises of a business establishment to which it is furnished with the intent to temporarily or permanently deprive the cart owner and/or the business establishment of possession of the cart;
2. Be in possession of any cart that has been removed from the premises of a business establishment to which it is furnished with the intent to temporarily or permanently deprive the cart owner and/or the business establishment of possession of the cart;
3. Be in possession of any cart with serial numbers removed, obliterated, or altered with the intent to temporarily or permanently deprive the cart owner and/or the business establishment to which it is furnished of possession of the cart;
4. Alter, convert, or tamper with a cart, or remove any part or portion thereof or to remove, obliterate or

alter serial numbers on the cart with the intent to temporarily or permanently deprive the cart owner and/or the business establishment to which it is furnished of possession of the cart; or

5. Be in possession of any cart while that cart is not located on the premises of a business establishment to which it is furnished with the intent to temporarily or permanently deprive the cart owner and/or the business establishment of possession of the cart.

Any cart that is owned by, provided to, or otherwise used by a business establishment or its customers in connection with the operations of the business establishment shall be considered to have been “furnished” to the business establishment for purposes of this section.

C. *Exceptions to General Prohibition.* The unlawful acts set forth in subsection A of this section shall not constitute an offense when carried-out by the following persons under any of the following circumstances:

1. By a cart owner or the agents or employees of the cart owner acting in the lawful and customary course of their agency or employment;

2. By a business establishment that has been furnished with the cart or the agents or employees of the business establishment acting in the lawful and customary course of their agency or employment; or

3. By any person given written permission to engage in any of the acts enumerated under subsection A of this section by the cart owner, or the on-duty manager of the business establishment to which the cart is furnished. No such written permission shall remain valid for a period in excess of seventy-two (72) consecutive hours from the date and time of its issuance. In order to be deemed valid and adequate, any documentation evidencing such written permission must include the following information:

- a. The date and time upon which the permission was given;
- b. The name of the person who granted such permission on behalf of the cart owner or the business establishment to which the cart is furnished;
- c. The name of the person to whom such permission is granted;
- d. A brief description of the nature and scope of such permission; and
- e. Notice and instruction advising the person granted permission that abandonment of the cart is a violation of state law and the El Monte Municipal Code.

Any person who has not been granted such permission or who fails to produce written documentation which adequately evidences the grant of such permission may be cited.

D. Seizure of Carts. Any cart seized in the course of issuing a citation for the violations enumerated under subsection A of this section shall be impounded in accordance with the provisions of Section 8.54.020 of this chapter.

E. Statutory Authorization. The procedures set forth under this section shall be enforced pursuant to, and in accordance with, Sections 22435.2 through 22435.5 of the California Business and Professions Code. (Ord. 2704 §§ 8, 15 (part), 2007; Ord. 2691 § 1 (part), 2007)

**8.54.020 Properly marked carts—
Abandonment and procedures for
impoundment.**

A. Carts Subject to this Section. This section shall apply to all carts that satisfy all of the signage requirements set forth under Section 8.54.040 (Mandatory Cart Signage) of this chapter.

B. General Prohibition Against Abandonment. It is unlawful for any person to leave or abandon any cart subject to this section at a location other than the premises of the business establishment to which the cart is furnished, with the intent to temporarily or permanently deprive the cart from the cart owner and/or the business establishment. Any cart owned by, provided to, or otherwise used by a business establishment or its customers in connection with its operations shall be considered to have been “furnished” to the business establishment for purposes of this section.

C. Expedited Impoundment Procedures.

1. Immediate Impoundment. With respect to any cart subject to this section, the Director and the City Manager shall have authority to immediately retrieve and impound any such cart located outside the property perimeter of the premises of the business establishment to which the cart is furnished, provided the cart owner or its agent is given actual notice of the City’s immediate impoundment of the cart within twenty-four (24) hours following such impoundment and provided the cart owner or agent is given the location of the facility where the cart has been impounded.

2. Emergency Removal and Impoundment. With respect to any cart subject to this section, the Director, the City Manager and any other employee of the City may immediately remove and impound any such cart located on private property or in the public right-of-way in any instance where the location of the cart impedes emergency services or otherwise poses a hazard to the public. The City shall provide notice of such impoundment in accordance with subsection (C)(1) of this section.

3. Timely Retrieval from Impoundment. If the cart is reclaimed by the cart owner, the business establishment or their respective agents within three (3) business days fol-

lowing notice of the impoundment, the cart shall be released to the same at no charge, including any impound or storage fees or fines that would otherwise have been applicable under subsections (C)(4) and (C)(5) of this section. Furthermore, any cart reclaimed within the three (3) business-day period set forth in this subsection shall not be deemed an “occurrence” within the meaning of subsection (C)(5) of this section.

4. Payment of Costs and Storage Fees. With respect to any cart impounded in accordance with subsection (C)(1) or (C)(2) of this section, the owner of a cart and the business establishment furnished with the cart shall be jointly and severally liable for the City’s actual cost of retrieval and storage for any cart that is not retrieved within three (3) business days following notice of its impoundment as required under subsection (C)(1) or (C)(2) of this section. By resolution, the City Council may adopt and from time to time amend a schedule of costs which reasonably estimates the cost of retrieving a cart and the per day cost of storing the same.

5. Payment of Fines. In addition to the costs and storage fees referenced in subsection (C)(4) of this section, the City may fine the cart owner and/or the business establishment in an amount that does not exceed fifty dollars (\$50.00) for each occurrence in excess of three (3) occurrences during a specified six (6) month period. For purposes of this subsection (C)(5) of this section, the relevant six (6) month periods shall be January 1st through June 30th of each calendar year and July 1st through December 31st of each calendar year. As required under subdivision (f) of Section 22435.7 of the California Business and Professions Code, a single occurrence includes all carts impounded within a twenty-four (24) hour period.

6. Appeal of Costs, Fees and Fines. The decision of the Director or the City Manager to impose costs, fees and/or fines under this subsection C of this section shall be final unless appealed in writing within ten (10) calendar days of the imposition of the costs, fees and/or fine. All such appeals shall be filed at the office of the City Clerk.

7. Disposal of Unclaimed Carts. Any cart that remains unclaimed after thirty (30) days from the date notice of impoundment was received may be sold or otherwise disposed of by the City.

D. Delayed Impoundment.

1. Three-Day Retrieval Period. With respect to any cart subject to this section, the Director and the City Manager shall have authority to retrieve and impound any such cart located outside the property perimeter of the premises of the business establishment to which the cart is furnished, provided the cart has not been retrieved after three (3) business days’ notice to the cart owner or the cart

owner's agent of the discovery and location of the abandoned cart.

2. Payment of Costs and Fees. With respect to any cart impounded in accordance with subsection (D)(1) of this section, the owner of a cart and the business establishment furnished with the cart shall be jointly and severally liable for the City's actual cost of retrieval and storage. The City Council may adopt a schedule of costs which reasonably estimates the cost of retrieving a cart and the per day cost of storing an impounded cart.

3. Payment of Fines. In addition to the costs and storage fees referenced in subsection (D)(2) of this section, the City may fine the cart owner and/or the business establishment in an amount that does not exceed fifty dollars (\$50.00) for each occurrence in excess of three (3) occurrences during a specified six (6) month period. For purposes of subsection D of this section, the relevant six (6) month periods shall be January 1st through June 30th of each calendar year and July 1st through December 31st of each calendar year. As required under subdivision (f) of Section 22435.7 of the California Business and Professions Code, a single occurrence includes all carts impounded in a twenty-four (24) hour period.

4. Appeal of Costs, Fees and Fines. The decision of the Director or the City Manager to impose costs and/or fines under subsection D of this section shall be final unless appealed in writing within ten (10) calendar days of the imposition of the costs and/or fine. All such appeals shall be filed at the office of the El Monte City Clerk.

5. Disposal of Unclaimed Carts. Any cart the remains unclaimed after thirty (30) days from the date notice of impoundment was received may be sold or otherwise disposed of by the City.

E. Proof of Ownership or Authorized Possession. All persons seeking to reclaim a cart impounded in accordance with this section shall be required to present documentation which establishes proof of ownership or authorized possession to the reasonable satisfaction of the Director or the City Manager. The presentation of such proof of ownership shall be an absolute defense of the Director, the City Manager and/or the City against any claim brought by a person contesting the true ownership to the cart.

F. Statutory Authorization. The procedures set forth under this section shall be enforced pursuant to and in accordance with Section 22435.7 of the California Business and Professions Code. (Ord. 2704 §§ 9, 14 (part), 15 (part), 2007; Ord. 2691 § 1 (part), 2007)

8.54.030 Unmarked or inadequately marked carts.

A. Carts Subject to Section. This section shall apply to any cart which does not satisfy all of the signage requirements of set forth under Section 8.54.040 of this chapter.

B. Prohibition Against Abandonment. It is unlawful for any person to leave or abandon any cart subject to this section (i) upon any portion of the public right-of-way, including, but not limited to, any sidewalk, alley, street or roadway; (ii) upon any public property, including, but not limited to, any public park or school; or (iii) upon any portion of private property without the express permission of the property owner.

C. Prohibition Against Unauthorized Removal or Possession. It is unlawful for any person to do any of the following with any cart subject to this section without the written permission of the business establishment to which the cart is furnished:

1. Remove the cart from the premises of the business establishment;
2. Be in possession of the cart after it has been removed from the premises of the business establishment;
3. Be in possession of the cart with serial numbers removed, obliterated or altered;
4. Alter, convert, or tamper with the cart;
5. Remove any part or portion of the cart from the premises of the business establishment;
6. Remove, obliterate or alter serial numbers on the cart;
7. Be in possession of any such cart while that cart is not located on the premises of the business establishment.

Any cart that is owned by, provided to, or otherwise used by a business establishment or its customers in connection with the operations of the business establishment shall be considered to have been "furnished" to the business establishment for purposes of this section. No written permission contemplated under this subsection shall remain valid for a period in excess of seventy-two (72) consecutive hours from the date and time of its issuance. In order to be deemed valid and adequate, any documentation evidencing such written permission must include the following information: (i) the date and time upon which the permission was given; (ii) the name of the person who granted such permission on behalf of the cart owner or the business establishment to which the cart is furnished; (iii) the name of the person to whom such permission is granted; (iv) a brief description of the nature and scope of such permission; and (v) notice and instruction advising the person granted permission that abandonment of the cart is a violation of state law and

the El Monte Municipal Code. Any person who has not been granted such permission or who fails to produce written documentation which adequately evidences the grant of such permission may be cited.

D. Impoundment Procedures. Any abandoned cart subject to this section may be immediately impounded, maintained and subsequently destroyed or otherwise disposed of in conformity with Section 2080.4 of the California Civil Code.

E. Procedures for Final Disposition of Carts. In the event a valid and up-to-date phone number or address for returning the cart does not appear on an abandoned cart, the Director shall deliver possession of the cart to the El Monte Police Department (hereinafter, the "Police Department"). The Police Department shall hold the cart for a period of at least three (3) months. If the cart remains unclaimed beyond the expiration of the three (3) month holding period, the cart may be sold for its reasonable scrap value or at a public auction to the highest bidder, with notice of such sale being given by the Director at least five (5) calendar days before the time fixed therefore by publication once in a newspaper of general circulation published in the county of Los Angeles.

F. Retrieval by Cart Owner. If the owner of an abandoned cart or the business establishment to which it was furnished appears within the three (3) month holding period, the Police Department shall release and surrender the cart to the cart owner subject to payment of any and all fines set forth under the El Monte Municipal Code and the payment of all actual costs for retrieving and storing the cart and any impoundment fees established by City Council resolution. The owner of any such cart and the business establishment to which the cart is furnished shall be jointly and severally responsible for the payment of any fines, storage costs and fees established or otherwise authorized under this section. All persons seeking to reclaim a cart impounded in accordance with this section shall be required to submit proof identification in the manner required under subsection E of Section 8.54.020.

G. Occurrence. Each cart subject to this section shall constitute a separate occurrence for purposes of imposing fines, storage fees and other impoundment fees. (Ord. 2704 § 15 (part), 2007; Ord. 2691 § 1 (part), 2007)

8.54.040 Mandatory cart signage.

A. Required Cart Signage. Every cart owned by, furnished to, or otherwise used by, a business establishment for use by its customers or employees shall have, permanently affixed and easily visible, a cart identification sign or engraved surface which includes the following information:

1. The name of the owner of the cart and the name of the specific business establishment to which the cart has been furnished if different from the cart owner;

2. Notice that the unauthorized removal and/or possession of the cart beyond the perimeter of the premises upon which the business establishment is located is a violation of the El Monte Municipal Code and the laws of the state of California;

3. A written explanation of the procedures to be followed for the authorized removal of a cart from the premises; and

4. A valid and up-to-date telephone number or a valid and up-to-date address for reporting the location of an abandoned cart so that it may be retrieved by the cart owner or the business establishment to which it is furnished.

Such mandatory cart signage shall be conspicuously located on each cart and all wording shall be in a font size of no less than sixteen (16) points so as to be easily visible and readable.

B. Parties Responsible for Cart Signage. The requirements of subsection A of this section shall be a joint and several responsibility of the cart owner and the business establishment to which the cart is furnished, if different from the cart owner.

C. Compliance Period. All cart owners shall be required to comply with this section within one hundred eighty (180) days from the effective date of the ordinance which codifies this chapter. (Ord. 2704 §§ 10, 11, 15 (part), 2007; Ord. 2691 § 1 (part), 2007)

8.54.050 Use of carts on premises— Compliance with containment requirements.

A. Business Permit Required. Any business establishment which is furnished with a cart that is provided to, or otherwise made available for use by its customers, agents or employees; or which otherwise uses a cart in connection with its operations shall be required to possess a valid business permit accompanied by a duly approved cart containment plan as set forth under Chapter 5.25 (Use of Shopping and Laundry Carts) of this code. Except as otherwise provided under this section, every business establishment shall be required to comply with all of the terms, conditions and other requirements of its most current business permit and the corresponding cart containment plan.

B. Compliance with Zoning Requirements and Land Use Approvals. Every business establishment shall be required to comply with all requirements of Chapter 17.06 (General Regulations) of Title 17 Zoning of this code re-

lating to the installation of physical containment measures designed to prevent the unauthorized removal of carts from a premises. Every business establishment shall be required to comply with all of the conditions of any and all applicable discretionary land use approvals (e.g., conditional use permits, modifications, variances, design review approvals, subdivision maps, parcel maps and the like) approved by the El Monte Planning Commission or the El Monte City Council on appeal, including all such conditions of approval relating to the installation and/or implementation of devices and/or practices designed to contain carts within the premises of the business establishment.

C. Conflicts with Land Use Approvals. In the event of any conflict or inconsistency between the express requirements or conditions of any discretionary land use approvals and the express requirements or conditions of any applicable business permit or cart containment plan approved by the Permit Committee, the terms of the discretionary land use approval shall control but only in so far as there is a conflict or inconsistency and no further. Unless expressly stated under the terms or conditions of any land use approval, nothing in any such approval shall be construed to prohibit the Permit Committee from imposing additional cart containment requirements in accordance with Chapter 5.25 (Use of Shopping and Laundry Carts).

D. Commencement of Business Permit Requirement. All business establishments shall be required to comply with subsection A of this section within one hundred twenty (120) days from the effective date of this chapter. Subsections B and C of this section shall take effect upon the effective date of this chapter. (Ord. 2704 §§ 12, 15 (part), 2007; Ord. 2691 § 1 (part), 2007)

8.54.060 Violation of chapter; alternatives to criminal prosecution.

A. Criminal Prosecution. Any person who violates any of the provisions of Section 8.54.010 or 8.54.020 shall be guilty of a misdemeanor as provided under Section 22435.3 of the California Business and Professions Code. Violations of Section 8.54.010, Section 8.54.020 and all other provisions of this chapter shall also constitute a misdemeanor as set forth under subsection A of Section 1.24.010 of this code and any person so convicted shall be punishable in accordance with subsection A of Section 1.24.010.

B. Administrative Citation Process. In lieu of criminal prosecution pursuant to subsection A of this section, violations of this chapter may be prosecuted by the issuance of an administrative citation issued pursuant to the provisions of Chapter 1.18 (Administrative Citations) of

this code. (Ord. 2704 § 15 (part), 2007; Ord. 2691 § 1 (part), 2007)

8.54.070 Cumulative effect.

The provisions of this chapter are cumulative and in addition to any and all other procedures or remedies provided under this code or the laws of the state of California for the abatement of, or prosecutions for, nuisances. The proceedings for abatement pursuant to this chapter shall not prejudice nor affect any other action, whether civil, criminal, equitable or administrative, for the abatement or other remedy of such conditions. (Ord. 2691 § 1 (part), 2007)

8.54.080 Notices; deadlines dates.

A. Notices. Any notices or written communication issued by the Director, the Permit Committee or any other official, officer or employee of the City which are required under this chapter shall be conclusively deemed received by the recipient on the date of personal service or three (3) consecutive days following deposit of the same in the United States Mail, certified and properly addressed. In the event contact information for a cart owner or a business establishment changes, the cart owner or business establishment, whichever the case may be, shall provide the Director and the Permit Committee with an update within three (3) business days of said change.

B. Deadline Dates. If any deadline date set forth under this chapter falls on a date in which the City of El Monte is not open for business, the deadline date shall be extended to five-thirty p.m. of the next day in which the City of El Monte is open for business. (Ord. 2704 §§ 14 (part), 15 (part), 2007; Ord. 2691 § 1 (part), 2007)

8.54.090 Administration and enforcement.

A. Except as otherwise provided herein, this chapter shall be administered and enforced by the Director and the Permit Committee. Subject to approval by City Council resolution, the Director and the Permit Committee are authorized to promulgate, implement and enforce such rules, regulations and procedures as may be desirable, necessary or appropriate for the enforcement of this chapter and other provisions of this code relating to the use of carts.

B. The Director and the Permit Committee are authorized to enter into, on or upon any, public area to examine a cart or parts thereof, or to obtain information as to the identity of the cart owner, or to retrieve carts in accordance with the provisions of this chapter. Nothing in this section is intended to prohibit or otherwise limit the authority of the Director and/or the Permit Committee to enter private property pursuant to permission granted by the owner or

occupant thereof or pursuant to any duly issued inspection warrant or other court order.

C. In the event the City of El Monte delays enforcement of the provisions of this chapter against any person, the City of El Monte fully retains its right to prosecute or penalize violations in accordance with the powers granted herein. The City of El Monte shall not waive any violations of this chapter. (Ord. 2704 § 14 (part), 2007; Ord. 2691 § 1 (part), 2007)

8.54.100 Definitions.

For purposes of this chapter, the following words, phrases and terms shall have the meanings set forth as follows:

Abandoned Cart. The term "abandoned cart" means (i) any cart owned by, or otherwise furnished to, a business establishment which is placed or otherwise located outside of outer perimeter of the premises upon which business establishment is located; or (ii) any other cart left unattended in the public right-of-way, on a public street or on private property without the consent of the private property owner.

Business Establishment. The term "business establishment" refers to any person, as defined herein, engaged in a for-profit or non-profit enterprise, undertaking or activity for which a City of El Monte business license and/or business permit is required, including but not limited to any for-profit commercial retail business or enterprise.

Cart. The term "cart" means either a shopping cart or a laundry cart as defined herein.

Cart Owner. The term "cart owner" means (i) any person who owns a cart that is use or otherwise located within the City of El Monte; (ii) any business establishment located in the City of El Monte which is furnished with a cart for use by its customers, agents, or employees; or (iii) any business establishment which uses a cart in connection with its operations in the City of El Monte.

City. The capitalized term "City" means the City of El Monte, California.

City Council. The term "City Council" means the City Council of the City of El Monte.

City Manager. The term "City Manager" means the City Manager for the City of El Monte or designee.

Director. The term "Director" means the Chief of Police of the City of El Monte or designee.

Laundry Cart. The term "laundry cart" means any basket or other like container of any size, dimension or material construction which is mounted on wheels and used in a cash operated laundry or dry cleaning business establishment by the customer, agents, employees typically, but not necessarily exclusively, for the purpose of

transporting clothing, fabrics and/or the supplies necessary to process them.

Lot; Lot Area. The term "lot" means a parcel of real property shown with a separate and distinct number on a plot of map recorded or filed with the Registrar-Recorder/County Clerk for the county of Los Angeles, or as otherwise deemed under the Subdivision Map Act. The term "Lot Area" means the total horizontal area within the lot lines of a lot (excluding public streets and other public rights-of-way).

Parking Area. The term "parking area" means any area within the perimeter of a premises as defined herein that is designated or otherwise used for the parking, stopping, loading or unloading of vehicles, including, but not limited to, any and all motor vehicles used by customers of the business establishment located on the premises.

Permit Committee. The term "Permit Committee" means the El Monte Permit Committee organized under Chapter 5.12 (Business Permits Generally) of this code.

Person. The term "person" means and includes, but is not limited to, any natural person, individual, firm, association, organization, sole proprietorship, general partnership, limited partnership, corporation, limited liability company, limited liability partnership, business trust, living trust, joint venture or any other legal entity. The term "person" as applied under this chapter is to be given the broadest possible meaning and is inclusive of any business establishment or cart owner.

Premises. The term "premises" means the lot area or portion thereof owned, leased, managed, maintained, occupied or otherwise used by a business establishment, including all buildings, structures parking areas, public areas, common areas owned, leased, managed, maintained, occupied or otherwise used by the business establishment or the customers, agents or employees of a business establishment in connection with, or in the furtherance of, its operations.

Public Area. The term "public area" means any real property within the territorial boundaries of the City of El Monte that is open to, or otherwise accessible by, members of the general public, including, but not limited to, any public right-of-way, any public street and those areas of privately owned real property that are customarily open to, or otherwise accessible by, members of the general public such as the parking areas or common areas within a premises as defined herein.

Shopping Cart. The term "shopping cart" means any basket or other like container of any size, dimension or material construction which is mounted on wheels or a similar device and is typically (but not necessarily exclusively) used by the customers, agents or employees of a

retail business establishment for the purpose of transporting goods of any kind. (Ord. 2704 §§ 13, 14 (part), 15 (part), 2007; Ord. 2691 § 1 (part), 2007)

8.54.110 Declaration of public nuisance.

A. The abandonment of carts on public property or upon the public right-of-way (including, but not limited to, public streets and sidewalks) as well as the unauthorized abandonment of carts upon private property constitutes a public nuisance that adversely effects the public health, safety and welfare in multiple ways set forth in subsection B of this section below.

B. The El Monte City Council has adopted this chapter in consideration of the following findings:

1. Abandoned carts contribute to visual blight that adversely impacts the image and quality of life in a community by contributing to a sense and atmosphere of neglect, decay, and public apathy. Abandoned carts can also become unsightly receptacles for trash and other debris and can even become trash themselves when damaged. The proliferation of abandoned carts also has an adverse impact on property values and generally undermines efforts to promote individual responsibility for the maintenance, upkeep and appearance of a community.

2. Abandoned carts are potential hazards to pedestrians and motorists alike as they can roll onto, or block, pedestrian and motor vehicle rights-of-way and even block sidewalk access to wheelchair bound residents and other persons with impaired mobility.

3. As determined by the American Academy of Pediatrics and news media reports on the subject, the design of many carts poses an inherent danger to young children in the form of tip-overs even when parents are present. It follows that abandoned carts pose an even greater threat to children who are attracted to carts, in the absence of any parental supervision whatsoever, when such devices are left abandoned on public streets, parks or other places where children pass or congregate.

4. Stolen and abandoned carts are all too frequently used to facilitate the unlawful scavenging of recyclable materials from City-authorized waste receptacles thereby undermining the City's efforts to meet certain recycling and waste diversion goals.

5. A significant number of the carts collected at the City's expense included carts that were not promptly collected by business establishments, including those who purportedly retain the services of companies in the business of shopping cart or laundry cart retrieval. The delayed or untimely retrieval of carts increases the likelihood that they will cause harm and/or be misused.

6. Although the installation of physical containment measures will involve an initial investment in containment equipment, a long term savings should be realized by business establishments, consumers/residents, and the City as the need for costly ongoing retrieval is diminished.

7. Section 22435 et seq. of the California Business and Professions Code (hereinafter, the "State Scheme"). The state scheme relates to the following: (i) the manner by which abandoned carts which satisfy certain marking and identification requirements set forth under Business and Professions Code Section 22435.1 may be impounded by municipalities; (ii) the circumstances under which certain statutorily specified penalties and costs may (or may not) be imposed upon the owner of a properly marked cart as a result of its abandonment by a third-party and subsequent impoundment by a municipality; and (iii) the circumstances under which the removal, alteration or abandonment of a properly marked cart may be deemed unlawful and thereby become punishable as a misdemeanor.

8. In recognition of finding in subsection (B)(7) of this section, this chapter is not in conflict with, or otherwise preempted by, the provisions of the state scheme in that provisions of this chapter do not expressly conflict with any provision of the state scheme and largely track the provisions of the state scheme.

9. This chapter is found to satisfy the provisions of Business and Professions Code Section 22435.8 which provides that the state scheme (Business and Professions Code Section 22435 et seq.) "shall not invalidate an ordinance of, or be construed to prohibit the adoption of an ordinance by, a City...which ordinance regulates or prohibits the removal of shopping carts or laundry carts from the premises or parking area of a retail establishment except to the extent any provision of such an ordinance expressly conflicts with any provision of the [State Scheme]. (Ord. 2704 § 14 (part), 2007; Ord. 2691 § 1 (part), 2007)

Chapter 8.56

UNIFORM HOUSING CODE

Sections:

8.56.010	Adoption of the Uniform Housing Code.
8.56.020	Applicability.
8.56.030	Definitions.
8.56.040	Deletions.
8.56.050	Amendments.
8.56.060	Additions.

8.56.010 Adoption of the Uniform Housing Code.

The City Council adopts by reference, the Uniform Housing Code, 1997 Edition, copyright 1997 by the International Conference of Building Officials, and said Uniform Housing Code is adopted in total as the law of the city except as provided by this chapter. One copy of the code has been and now is filed in the office of the City Clerk, and the code is adopted by reference as if incorporated and set out at length in this chapter. (Ord. 2556 § 1 (part), 2002)

8.56.020 Applicability.

Use of this chapter shall be at the sole discretion of the city. This chapter may be used as a supplement to other chapters of this code or this chapter may be used in conjunction with other chapters of this code. (Ord. 2556 § 1 (part), 2002)

8.56.030 Definitions.

The words used in each of the codes herein adopted by reference shall have the meaning ascribed to them within each respective code, and in addition thereto the following words shall be understood and defined to have the meanings set forth in the following sub-sections:

A. Whenever the term "municipality," "City," or "city of El Monte" is used, it shall mean the city of El Monte or the appropriate agency of said city as the context may reasonably require.

B. Whenever the term "Legislative Body" or "City Council" is used, it shall mean the City Council of the city of El Monte, California.

C. Whenever the term "Building Official" is used, it shall mean the Chief Building Official and Code Enforcement Supervisor of the city of El Monte or their designee.

D. Whenever the term "Department" is used, it shall refer to the Building Division and Code Enforcement Di-

vision of the Community Development Department within city of El Monte.

E. Hearing Officer shall be a neutral party as designated by the Community Development Director. (Ord. 2600 § 1 (part), 2004; Ord. 2556 § 1 (part), 2002)

8.56.040 Deletions.

Sections 203, 1201.2, 1301.1, 1301.3, 1301.6, 1303.2, 1305.1, 1305.2, 1305.3, 1305.4, 1305.5, 1305.6, 1305.7, 1502, 1612 of the Uniform Housing Code as adopted by Section 8.56.010 are deleted and therefrom repealed. (Ord. 2556 § 1 (part), 2002)

8.56.050 Amendments.

The Uniform Housing Code, as adopted by Section 8.56.010, is amended as follows:

Section 110 1.2 (5). Statements advising (i) that any person having any record or title or legal interest in the building may appeal from the notice and order or any action of the building official to a hearing officer, provided that appeal is made in writing as provided in this code, and filed with the building official within 30 days from the date of service of such notice and order, and (ii) that failure to appeal will constitute a waiver of all rights to an administrative hearing and determination of the matter.

Section 1201.1 (1). A heading in the words: "Before the Hearing Officer of the City of El Monte".

Section 1201.3 Scheduling and Noticing Appeal for Hearing. As soon as practicable after receiving the written appeal, the hearing officer shall fix a date, time and place for the hearing. Such date shall not be less than ten (10) days or more than sixty (60) days from the date appeal was filed with the building official. Written notice of the time and place of the hearing shall be given at least ten (10) days prior to the date of the hearing to each appellant by causing a copy of such notice to be delivered to the appellant personally or by mailing a copy thereof, postage prepaid, addressed to the appellant at the address shown on the appeal.

Section 1301.2. Record. A record of the entire proceeding shall be made by tape recording, or by any other means of permanent recording determined to be appropriate by the hearing officer.

Section 1301.4. Continuances. The hearing officer may grant a continuance for good cause shown, but in no event shall the hearing officer extend the hearing more than thirty (30) days.

Section 1301.5. Oaths-Certification. In any proceedings under this chapter, the hearing officer has the

power to administer oaths and affirmations and to certify his/her official acts.

Section 1303.1. Filing of Affidavit. The hearing officer may obtain the issuance and service of a subpoena for the attendance of witnesses or the production of other evidence at the hearing upon the request of the hearing officer upon the written demand of any party. The issuance and service of such subpoena shall be obtained upon the filing of an affidavit therefore that states the name and address of the proposed witness, specifies the exact things sought to be produced and the materiality thereof in detail to the issues involved, and states that the witness has the desired things in possession or under control. A subpoena need not be issued when the affidavit is defective in any particular manner.

Section 1304.7.1. What may be noticed. In reaching a decision, official notice may be taken, either before or after submission of the case for decision, of any fact that may be judicially noticed by the court of this state or of official of the departments and ordinances of the city rules.

Section 1304.7.3. Opportunity to refute. Parties present at the hearing shall be given a reasonable opportunity, on request, to refute the officially noticed matters by evidence or by written or oral presentation of authority, the manner of such refutation to be determined by the hearing officer.

Section 1304.7.4. Inspection of premises. The hearing officer may inspect any building or premises involved in the appeal during the course of the hearing, provided that (i) notice of such inspection shall be given to the parties before the inspection is made, (ii) the parties are given an opportunity to be present during the inspection, and (iii) the hearing officer shall state for the record upon completion of the inspection the material facts observed and the conclusions drawn therefrom. Each party shall then have the right to rebut or explain the matters so stated by the hearing officer.

Section 1401.1. General. After any order of the building official or hearing officer made pursuant to this code becomes final, no person to whom such order is directed shall fail, neglect or refuse to obey any such order. Any such person who fails to comply with any such order is guilty of a misdemeanor.

Section 1401.2. Failure to Obey Order. If, after any order of the building official or hearing officer made pursuant to this code has become final, the person to whom such order is directed shall fail, neglect or refuse to obey such order, the building official may (i) cause each person to be prosecuted under Section

1401.1 or (ii) institute any appropriate action to abate such building as a public nuisance.

Section 1501.2. Costs. The costs of such work may be made a special assessment against the property involved, or may be made a personal obligation of the property owner, whichever the legislative body of this jurisdiction shall determine is appropriate. (Ord. 2556 § 1 (part), 2002)

8.56.060 Additions.

The Uniform Housing Code, as adopted by Section 8.56.010, is amended by the following addition:

Section 1201.4. Additional Information. If the building official submits an additional written report concerning the notice and order to the hearing officer for consideration at the hearing, then a copy of this report shall also be served on the person requesting the hearing at least five (5) days prior to the date of the hearing.

Section 1201.5. Prima Facie Evidence. The notice, order, and any report submitted by the building official shall constitute prima facie evidence of the respective facts contained in those documents.

Section 1305.1. Written Decision. After considering all of the testimony and evidence submitted at the hearing, the hearing officer shall issue a written decision to uphold or cancel the order of the building official and shall list in the decision the reasons for that decision. The decision of the hearing officer shall be final. A copy of the decision shall be delivered to the appellant personally or sent by certified mail, postage prepaid, return receipt requested. (Ord. 2556 § 1 (part), 2002)

CHAPTER 8.58**UNIFORM CODE FOR ABATEMENT OF
DANGEROUS BUILDINGS****Sections:**

- 8.58.010** **Adoption of the Uniform Code for
Abatement of Dangerous
Buildings.**
- 8.58.020** **Applicability.**
- 8.58.030** **Definitions.**
- 8.58.040** **Deletions.**
- 8.58.050** **Amendments.**
- 8.58.060** **Additions.**

**8.58.010 Adoption of the Uniform Code for
Abatement of Dangerous Buildings.**

The City Council adopts by reference, the Uniform Code For The Abatement of Dangerous Buildings, 1997 Edition, copyright 1997 by the International Conference of Building Officials, and said Uniform Code For The Abatement of Dangerous Buildings is adopted in total as the law of the city except as provided by this chapter. One copy of the code has been and now is filed in the office of the City Clerk, and the code is adopted by reference as if incorporated and set out at length in this chapter. (Ord. 2557 § 1 (part), 2002)

8.58.020 Applicability.

Use of this chapter shall be at the sole discretion of the city. This chapter may be used as a supplement to other chapters of this code or this chapter may be used in conjunction with other chapters of this code. (Ord. 2557 § 1 (part), 2002)

8.58.030 Definitions.

The words used in each of the codes herein adopted by reference shall have the meaning ascribed to them within each respective code, and in addition thereto the following words shall be understood and defined to have the meanings set forth in the following subsections:

A. Whenever the term "municipality," "city," or "city of El Monte" is used, it shall mean the city of El Monte or the appropriate agency of said city as the context may reasonably require.

B. Whenever the term "Legislative Body" or "City Council" is used, it shall mean the City Council of the city of El Monte, California.

C. Whenever the term "Building Official" is used, it shall mean the Chief Building Official and Code Enforcement Supervisor of the city of El Monte or their designee.

D. Whenever the term "Department" is used, it shall refer to the Building Division and Code Enforcement Division of the Community Development Department of city of El Monte.

E. Hearing Officer shall be a neutral party as designated by the Community Development Director or his or her designee. (Ord. 2600 § 1 (part), 2004; Ord. 2557 § 1 (part), 2002)

8.58.040 Deletions.

Sections 205, 501.2, 601.1, 601.3, 601.6, 603.2, 605.1, 605.2, 605.3, 605.4, 605.5, 605.6, 605.7, 802, 912 of the Uniform Code For The Abatement of Dangerous Buildings as adopted by Section 8.58.010 are deleted and therefore repealed. (Ord. 2557 § 1 (part), 2002)

8.58.050 Amendments.

The Uniform Code For the Abatement of Dangerous Buildings, as adopted by Section 8.58.010, is amended as follows:

Section 401.2 (5) Statements advising (i) that any person having any record or title or legal interest in the building may appeal from the notice and order or any action of the building official to a hearing officer, provided that appeal is made in writing as provided in this code, and filed with the building official within thirty (30) days from the date of service of such notice and order, and (ii) that failure to appeal will constitute a waiver of all rights to an administrative hearing and determination of the matter.

Section 501.1 (1). A heading in the words: "Before the Hearing Officer of the City of El Monte".

Section 501.3. Scheduling and Noticing Appeal for Hearing. As soon as practicable after receiving the written appeal, the hearing officer shall fix a date, time and place for the hearing. Such date shall not be less than ten (10) days or more than sixty (60) days from the date appeal was filed with the building official. Written notice of the time and place of the hearing shall be given at least ten (10) days prior to the date of the hearing to each appellant by causing a copy of such notice to be delivered to the appellant personally or by mailing a copy thereof, postage prepaid, addressed to the appellant at the address shown on the appeal.

Section 601.2. Record. A record of the entire proceeding shall be made by tape recording, or by any other means of permanent recording determined to be appropriate by the hearing officer.

Section 601.4. Continuances. The hearing officer may grant a continuance for good cause shown, but in no event shall the hearing officer extend the hearing more than thirty (30) days.

Section 601.5. Oaths-Certification. In any proceedings under this chapter, the hearing officer has the power to administer oaths and affirmations and to certify his/her official acts.

Section 603.1. Filing of Affidavit. The hearing officer may obtain the issuance and service of a subpoena for the attendance of witnesses or the production of other evidence at the hearing upon the request of the hearing officer upon the written demand of any party. The issuance and service of such subpoena shall be obtained upon the filing of an affidavit therefore that states the name and address of the proposed witness, specifies the exact things sought to be produced and the materiality thereof in detail to the issues involved, and states that the witness has the desired things in possession or under control. A subpoena need not be issued when the affidavit is defective in any particular manner.

Section 604.7.1. What may be noticed. In reaching a decision, official notice may be taken, either before or after submission of the case for decision, of any fact that may be judicially noticed by the court of this state or of official of the departments and ordinances of the city rules.

Section 604.7.3. Opportunity to refute. Parties present at the hearing shall be given a reasonable opportunity, on request, to refute the officially noticed matters by evidence or by written or oral presentation of authority, the manner of such refutation to be determined by the hearing officer.

Section 604.7.4. Inspection of the premises. The hearing officer may inspect any building or premises involved in the appeal during the course of the hearing, provided that (i) notice of such inspection shall be given to the parties before the inspection is made, (ii) the parties are given an opportunity to be present during the inspection, and (iii) the hearing officer shall state for the record upon completion of the inspection the material facts observed and the conclusions drawn therefrom. Each party shall then have the right to rebut or explain the matters so stated by the hearing officer.

Section 701.1. General. After any order of the building official or hearing officer made pursuant to this code becomes final, no person to whom such order is directed shall fail, neglect or refuse to obey any such order. Any such person who fails to comply with any such order is guilty of a misdemeanor.

Section 701.2. Failure to Obey Order. If, after any order of the building official or hearing officer made pursuant to this code has become final, the person to whom such order is directed shall fail, neglect or refuse to obey such order, the building official may (i) cause

each person to be prosecuted under Section 701.1 or (ii) institute any appropriate action to abate such building as a public nuisance.

Section 801.2. Costs. The costs of such work may be made a special assessment against the property involved, or may be made a personal obligation of the property owner, whichever the legislative body of this jurisdiction shall determine is appropriate. (Ord. 2557 § 1 (part), 2002)

8.58.060 Additions.

The Uniform Code For the Abatement of Dangerous Buildings, as adopted by Section 8.58.010, is amended by the following additions:

Section 501.4. Additional Information. If the building official submits an additional written report concerning the notice and order to the hearing officer for consideration at the hearing, then a copy of this report shall also be served on the person requesting the hearing at least five (5) days prior to the date of the hearing.

Section 501.5. Prima Facie Evidence. The notice, order, and any report submitted by the building official shall constitute prima facie evidence of the respective facts contained in those documents.

Section 605.1. Written Decision. After considering all of the testimony and evidence submitted at the hearing, the hearing officer shall issue a written decision to uphold or cancel the order of the building official and shall list in the decision the reasons for that decision. The decision of the hearing officer shall be final. A copy of the decision shall be delivered to the appellant personally or sent by certified mail, postage prepaid, return receipt requested. (Ord. 2557 § 1 (part), 2002)

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Morals and
Welfare*

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Title 9

PUBLIC PEACE, MORALS AND WELFARE

Chapters:

- 9.04 Offenses Against Public Peace and Decency**
- 9.08 Graffiti Prevention, Prohibition and Removal**
- 9.10 Smoking and Use of Products in and around
Playground Equipment Areas and Tot Sandbox
Areas**
- 9.12 Alcoholic Beverages**
- 9.16 Drug Paraphernalia**
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- 9.24 Pin Games, Marble Games and Horse Racing
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- 9.44 Regulation of Ephedrine Purchases**
- 9.48 Camping**
- 9.52 Proximity of Registered Sex Offenders to
Children's Facilities**
- 9.54 Prohibition of Loitering for the Purpose of
Soliciting Acts of Prostitution**

Chapter 9.04

OFFENSES AGAINST PUBLIC PEACE AND
DECENCY

Sections:

- 9.04.010 Standing, sitting or occupying center medians by pedestrians is prohibited.
- 9.04.020 Deposit of offensive matter in public place prohibited.
- 9.04.030 B-girls prohibited.
- 9.04.040 Public nudity prohibited.
- 9.04.050 Aggressive panhandling/solicitation prohibited.
- 9.04.060 Handbills.

9.04.010 Standing, sitting or occupying center medians by pedestrians is prohibited.

No person shall stand or sit upon or otherwise occupy a public street or highway center median for any purpose other than to do so temporarily as a pedestrian while making a lawful pedestrian crossing of a public street or highway from one side to the other side of the roadway in which the center median is located. For purposes of this section, the term "center median" means and refers to that portion of a public street or highway, which is marked or identified by painted line or painted area of which is raised from the roadway and which separates the vehicle traffic lanes of the roadway which move in opposite directions of travel. (Prior code § 4235.1)

9.04.020 Deposit of offensive matter in public place prohibited.

No person shall deposit, by means of urination or defecation, any human waste material in any public place or in any place open to the public or exposed to public view or upon the surface of the ground or upon any premises, lot or in any building, basement or in any public street, or into any standing water, stream or excavation or public place other than a proper toilet or portable toilet. (Prior code § 4271.1)

9.04.030 B-girls prohibited.

No employee shall accept or solicit for himself or herself drinks of alcoholic beverages from any customer at the place where he or she is employed. (Prior code § 4274)

9.04.040 Public nudity prohibited.

A. No person shall appear, bathe, sunbathe, walk,

dress or undress, or ride in or on any vehicle, or be in any public parking playground or place or on any public land, or on any private property which is open to view from any public area or public right-of-way in such a manner that the genitals, pubic hair, anus, anal regions, natal cleft, perineum, or the crease of the buttocks of any person, or any portion of the breast at or below the upper edge of the areola thereof of any female person, is exposed to public view or is not covered by any opaque covering.

B. The provisions of this section shall not apply to children under age ten (10).

C. It shall be an infraction for any person to violate any of the provisions of this section and upon conviction thereof, shall be punished as provided in Section 1.24.010 of the El Monte Municipal code. (Prior code § 4276)

9.04.050 Aggressive panhandling/solicitation prohibited.

A. It is unlawful for any person to coerce, threaten, hound, or intimidate another person for the purpose of soliciting alms on any street or other place that is open to the public, whether publicly or privately owned. For purposes of this section, the term "soliciting alms" means and refers to any activity or conduct commonly known as panhandling in which one person seeks to obtain money or something of value from a third person, whether by words, bodily gestures, signs, or other means in a face-to-face setting. For purposes of this section, the terms "coerce, threaten, hound, or intimidate" means that:

1. The conduct of the persons soliciting alms causes a reasonable solicitee to fear for his or her safety; or

2. The person soliciting alms intentionally blocks the path or unreasonably obstructs the movement of the solicitee; or

3. The person soliciting alms follows the solicitee while the solicitor demands money or something of value after the solicitee informs the solicitor by words, bodily gesture, signs or other means that the solicitee does not want to give the solicitor money or some other thing of value to which he or she is not entitled under law.

B. Any person who violates the provisions of this section shall be guilty of a misdemeanor and shall be subject to prosecution and punishment under Section 1.24.010 of this code. (Prior code § 4277)

9.04.060 Handbills.

No person shall place or affix any commercial advertising handbill, leaflet, dodger or other printed commercial advertisement of any kind on any vehicle parked in any public place or parked on any privately owned parking lot open to the public without the express written

9.04.060

consent of the owner or person in lawful possession of the vehicle or property. The provisions in this section shall not apply to political or bona fide nonprofit charitable organizations or communications. (Prior code § 5503)

Chapter 9.08

GRAFFITI PREVENTION, PROHIBITION AND REMOVAL

Sections:

9.08.010	Purpose and intent.
9.08.020	Definitions.
9.08.030	Unlawful to apply graffiti— Prohibition of defacement.
9.08.040	Possession of graffiti implements by minors prohibited.
9.08.050	Possession of graffiti implements prohibited in designated public places.
9.08.060	Limiting access to graffiti implements—Furnishing to minors prohibited.
9.08.070	Display for sale—Requirements, penalties and liability.
9.08.080	Graffiti declared public nuisance.
9.08.090	Removal of graffiti by perpetrator.
9.08.100	Removal provisions.
9.08.110	Penalties and civil liabilities of parents.
9.08.120	Violations—Civil remedies available.
9.08.130	Code as a supplement to state law.

9.08.010 Purpose and intent.

A. The purpose of this section is to help prevent the spread of graffiti and to establish a program for its removal from city-owned property and non-city owned property within the city of El Monte.

B. California Government Code Section 53069.3 authorizes the city, under certain circumstances, to provide for the removal of graffiti and other inscribed material from private as well as public property. The City Council finds and determines that graffiti is obnoxious and a public nuisance and unless the city causes it to be removed from city-owned and non-city owned property within the city of El Monte, it tends to remain. Other properties then become the target of graffiti with the result that entire neighborhoods are affected and become less desirable places in which to be, all to the detriment of the city.

C. It is the purpose of the City Council of the city of El Monte, through the adoption of this chapter, to provide additional enforcement tools to protect public and private property from acts of vandalism and defacement, including the application of graffiti on walls, natural objects and

structures. Such acts are destructive of the rights and values of property owners as well as the entire community. (Ord. 2563 § 2 (part), 2002)

9.08.020 Definitions.

“Aerosol paint container” means any aerosol container that is adapted or made for the purpose of applying spray paint, or other substance capable of defacing property.

“Felt-tip marker” means any indelible marker or similar implement with a tip which, at its broadest width is greater than one-eighth of an inch, containing ink or other pigmented liquid which is not water soluble.

“Graffiti” means any unauthorized inscription, word, figure, painting or other defacement that is written, marked, etched, scratched, sprayed, drawn, painted, or engraved on or otherwise affixed to or on any surface of city-owned property or non-city owned property within the city of El Monte by or with, but not limited to, any of the following: felt-tip marker, paint stick or graffiti stick, or graffiti implement, to the extent that the same was not authorized in advance by the owner or occupant thereof, or despite advance authorization, is otherwise deemed by the City Council to be a public nuisance.

“Graffiti implement” means an aerosol paint container, a felt tip marker, gum label, paint stick or graffiti stick, etching tool including but not limited to etching creams and substances, or any other device capable of scarring or leaving a visible mark on glass, metal, concrete or wood or any other surface.

“Paint stick” or “graffiti stick” means any device containing a solid form of paint, chalk, wax, epoxy, or other similar substance capable of being applied to a surface by pressure, and upon application, of leaving a mark at least one-eighth of an inch in width.

“Responsible party,” means any person who is the owner, or who has primary responsibility for repair or maintenance of property in the city of El Monte.

“Structure” as used in this chapter means any trees, or edifice including, but not limited to buildings, walls, fences, poles and signs. (Ord. 2563 § 2 (part), 2002)

9.08.030 Unlawful to apply graffiti— Prohibition of defacement.

A. It is unlawful for any person to apply graffiti to any structure on any city-owned property, or on any non-city owned property within the city of El Monte without the permission of the owner or occupant.

B. It is unlawful for any person to intentionally deface, tear down, obliterate or destroy any copy, transcript or extract of or from any ordinance of the city of El Monte posted in any public place, or any proclamation, adver-

tisement or notice set up at any place by authority of any ordinance of the city of El Monte before the expiration of the time such ordinance, proclamation, advertisement or notice was to remain posted or set up.

C. It is unlawful to affix, attach or post any sign, handbill, or advertisement to a structure unless it is authorized under the El Monte Municipal Code. The Police Department and Code Enforcement Department public works supervisor, and any additional city department head, as authorized by the City Council is authorized to order the removal of such posters. The decision to remove such posters shall not be based on content. Any person who is actually or constructively responsible for the posting, creating, printing or copying of such posters shall be liable for the costs incurred in the removal thereof and the police chief, code enforcement supervisor, department of public works supervisor, and any additional department head, as authorized by the City Council, is authorized to effect the collection of such costs. Such costs shall be the actual or reasonable costs attributable to the removal of such posters. Persons billed for such removal may appeal such cost assessment to the hearing officer. The decision of the hearing officer will be final for purposes of Code of Civil Procedure Section 1094.5, judicial review, unless the hearing officer within ninety (90) days of that decision is made, grants, in its sole discretion, a hearing on the appeal.

For purposes of subsection C of this section, there shall be a presumption that a person (corporate or individual), whose name or telephone number or address or notice of public or private appearance or business location appears on the poster is a person responsible for posting the poster.

D. Each violation of Subsection A of this section shall be a misdemeanor punishable by a fine not to exceed five hundred dollars (\$500.00) or by imprisonment in the city jail not to exceed six months, or by both fine and imprisonment.

E. Each violation of subsection B of this section is an infraction punishable by a fine not to exceed two hundred dollars (\$250.00).

F. Any person violating subsection C of this section is guilty of an infraction punishable by a fine of one hundred dollars (\$100.00) for the first infraction, two hundred dollars (\$200.00) for the second infraction in one year, and five hundred dollars (\$500.00) for each infraction thereafter within one year. (Ord. 2563 § 2 (part), 2002)

9.08.040 Possession of graffiti implements by minors prohibited.

It is unlawful for any person under the age of eighteen years to have in his or her possession any graffiti implement while on any school property, grounds, facilities,

buildings, or structures, or in areas immediately adjacent to these specific locations upon public property, or upon private property without the prior written consent of the owner or occupant of such private property. The provisions of this section shall not apply to possession of felt-tip-markers by minors attending, or traveling to or from school at which the minor is enrolled, if the minor is participating in a class at said school that formally requires the possession of felt-tip markers. The burden of proof in any prosecution for violation of this section shall be upon the minor student to establish the need to possess a felt-tip marker. (Ord. 2563 § 2 (part), 2002)

9.08.050 Possession of graffiti implements prohibited in designated public places.

It is unlawful for any person to have in his or her possession any graffiti implement while in or upon any public facility, park, playground, swimming pool, recreational facility, or other public building owned or operated by the city or while in or within one hundred (100) feet of an underpass, bridge abutment, storm drain, or similar types of infrastructure unless otherwise authorized by the city. (Ord. 2563 § 2 (part), 2002)

9.08.060 Limiting access to graffiti implements—Furnishing to minors prohibited.

It is unlawful for any person, other than a parent or legal guardian, to sell, exchange, give, loan or otherwise furnish or cause to be exchanged, given, loaned or otherwise furnished, any graffiti implement to any minor without the consent of the parent or other lawfully designated guardian, which consent shall be given in advance and in writing. (Ord. 2563 § 2 (part), 2002)

9.08.070 Display for sale—Requirements, penalties and liability.

A. Every person who owns, conducts, operates or manages a retail, commercial establishment selling graffiti implements shall display and store or cause such implements to be displayed and stored in areas which may be viewable by, but shall not be accessible to the public without employee assistance.

B. Violation of this section is a misdemeanor punishable by a fine not to exceed five hundred dollars (\$500.00), or by imprisonment in the City Jail for a period not to exceed six (6) months, or by both such fine and imprisonment. Each day in which the violation exists shall be treated as a separate violation.

C. Civil Responsibility for Damages or Wrongful Display or Storage. Any person who displays or stores, or permits the display or storage, of any graffiti implement in violation of the provisions of this chapter shall be personally liable for any and all costs, including attorney's fees and court costs, incurred by any party in connection with the removal of graffiti, the repair of any property containing graffiti, or such party's prosecution of a civil claim for reimbursement or damages resulting from such graffiti removal or property repair, arising from the use by any person of such wrongfully displayed or stored graffiti implement in violation of the provisions of any of the sections of this chapter. (Ord. 2563 § 2 (part), 2002)

9.08.080 Graffiti declared public nuisance.

A. The existence of graffiti on any city-owned property, or without the permission of the owner or occupant, on any non-city owned property within the city of El Monte is expressly declared to be a public nuisance.

B. The City Council hereby declares and finds graffiti to be a nuisance subject to abatement according to the provisions and procedures herein contained.

C. It is the duty of both the owner of the property to which the graffiti has been applied, and any person who may be in possession or who has the right to possess such property, to keep such property clear and free of graffiti at all times.

D. The existence of any surface of a structure on any non-city owned property within the city of El Monte where such surface has been defaced with graffiti after removal more than five (5) times in twelve (12) months is hereby deemed to be a nuisance, and may be abated by the city by requiring modifications thereto, or to the immediate areas surrounding same, according to the provisions and procedures adopted by the city. Such modifications may include, but are not limited to: retrofitting of such surface with such features or qualities as may be established by the city as necessary to reduce the attractiveness of the surface for graffiti, or as necessary to permit more convenient, expedient or efficient removal of graffiti therefrom. The city may, at its option, assess the cost of such modification against the property owner, provided that such assessment may not exceed a maximum of five hundred dollars (\$500.00). (Ord. 2563 § 2 (part), 2002)

9.08.090 Removal of graffiti by perpetrator.

A. Any person applying graffiti on city-owned property or within the city of El Monte shall have the duty to remove same within twenty-four (24) hours after notice by the city or private owner of the property involved. Such removal shall be done in a manner prescribed by the police

chief, code enforcement supervisor, department of public works supervisor, or his or her designee or any additional city department head as authorized by the City Council, and may be deemed by the City Council to satisfy any payment or penalty that might otherwise be imposed.

B. Any person applying graffiti shall be responsible for such removal or for the payment thereof. Failure of any person to so remove graffiti or pay for its removal shall constitute an additional violation of this chapter. Where graffiti is applied by an unemancipated minor, the parent(s) or legal guardian(s) shall also be responsible for such removal or for the payment therefore. The police chief, the code enforcement supervisor, department of public works supervisor or his or her designee or any other department head as authorized by the City Council may convert such payment into equivalent forms of community service hours. Such payment or equivalent forms of community service hours shall be in addition to any other penalties imposed. (Ord. 2563 § 2 (part), 2002)

9.08.100 Removal provisions.

Graffiti may be removed by either of the following methods:

A. A responsible party shall remove graffiti defacing the property for which they are the responsible party within ten (10) days after service of notice that there is graffiti on the property. Notice shall be given to the responsible party by first class mail.

1. A responsible party may be relieved of the requirement to remove the graffiti within ten (10) days after service of the notice if

a. The responsible party demonstrates by a preponderance of the evidence that he or she does not have the financial ability to remove the defacing graffiti, or

b. It can be demonstrated by the responsible party that the responsible party has an active program for the removal of graffiti and has scheduled the removal of the graffiti as part of that program, in which case it shall be unlawful to permit such property to remain defaced with graffiti for a period of fifteen (15) days after service by first-class mail of notice of same.

B. Right of City to Remove.

1. Whenever the city becomes aware, or is notified and determines that graffiti is located on non-city owned property within the city of El Monte that is viewable by persons utilizing any public right-of-way in the city, the city may use public funds to provide for the painting or repairing of same.

a. Any painting or repair for which the cost is estimated to exceed one thousand dollars (\$1,000.00) must be authorized by the City Council before it is undertaken.

b. The City Council may authorize the repair if it finds the painting or repair is necessary to detrimental affects to the neighborhood or community from the graffiti.

2. Right of Entry on Private Property.

a. Prior to entering upon private property or property owned by a public entity other than the city of El Monte for purposes of graffiti removal, the city shall secure the consent of the responsible party, and a release of the city from any liability, if possible.

C. If a responsible party fails to remove the offending graffiti within the time herein specified, or if they have refused to consent for entry onto the property by the city on terms acceptable to the city and consistent with the provisions of this section, the city may commence abatement and cost recovery proceedings for the removal of the graffiti pursuant to the provisions of Chapter 8.44. Notwithstanding the foregoing, owner occupied single-family residences are excluded from such cost recovery proceedings, including the recordation of a lien on the property.

1. Whenever the police chief, code enforcement supervisor, department of public works supervisor or his or her designee or any additional city department head, as authorized by the City Council, determines that graffiti has been applied to non-city owned property within the city of El Monte, the police chief, code enforcement supervisor, department of public works supervisor or his or her designee or any additional city department head as authorized by the City Council, determines that the graffiti is obnoxious and that it is in the interest of the city of El Monte to remove such graffiti through the use of city resources, then the police chief, code enforcement supervisor, department of public works supervisor or his or her designee or any additional city department head, as authorized by the police chief, code enforcement supervisor, department of public works supervisor or his or her designee or any additional city department head, as authorized by the City Council, obtains the consent of the private property owner and release of the city from liability.

2. a. Whenever the police chief, code enforcement supervisor, department of public works supervisor or his or her designee or any additional city department head, as authorized by the City Council, determines that graffiti is being maintained upon any non-city owned property within the city of El Monte in violation of this chapter, the police chief, code enforcement supervisor, department of public works supervisor or his or her designee or any additional city department head, as authorized by the City Council, may issue a written notice and order to abate the graffiti. The notice shall be issued to the owner of the property and shall inform the owner that the owner is maintaining graffiti that constitutes a public nuisance and

that maintenance of the graffiti is a violation of El Monte Municipal Code. The notice shall state that the graffiti is not removed within that time, then the city proposes to remove the graffiti and the cost of such removal, if not paid by the owner, shall be made a lien upon the property. Notwithstanding the foregoing, a notice of graffiti nuisance shall not be issued to the owner of a single-family residence that is owner-occupied.

b. The notice shall also inform the property owner that if the graffiti is not removed within the specified ten (10) day period, then a hearing shall be held before the hearing officer, to hear any protest of the property owner. The notice shall specify the time and place at which the hearing officer, shall hold such hearing pursuant to subsection (C)(4) of this section. Such hearing shall be scheduled not less than ten (10) days after the date of the notice.

c. The police chief, code enforcement supervisor, department of public works supervisor or his or her designee or any additional city department head, as authorized by the City Council, determines that compliance within the time specified in the notice would place an undue burden on the property owner.

3. a. The notice issued pursuant to subsection (C)(2) of this section shall be addressed to the owner of the property as shown on the latest tax assessment roll at the owner's last known address and shall be delivered by depositing a copy of the notice in the United States mail, postage paid, or personally delivering a copy of the notice to the owner. Notice shall also be posted in a conspicuous place on the subject property. Except no such notice shall be either mailed to or posted on an owner-occupied single-family residence.

b. The failure of any person to receive notice shall not affect the validity of any proceeding under this chapter.

4. Before any abatement of any graffiti, the police chief, code enforcement supervisor, department of public works supervisor or his or her designee or any additional city department head, as authorized by the City Council, shall hold a hearing regarding the proposed abatement to determine whether the graffiti constitutes a public nuisance and whether abatement is appropriate. The hearing officer shall receive and consider all relevant evidence presented at the hearing. Any interested person shall be given notice and opportunity to be heard.

5. The hearing officer shall provide notice of the hearing officer's decision and shall provide an order to abate the graffiti, if appropriate, to the owner of the subject property as shown in the latest tax assessment as shown in subsection (C)(3) of this section.

6. The police chief, code enforcement supervisor, department of public works supervisor or his or her designee or any additional city department head, as authorized by the City Council, may order that the city abate any graffiti that has been determined to be a public nuisance and that remains unabated at least seven (7) days after the hearing officer gives notice of the hearing officer's decision and issues an order to abate under subsection (C)(5) of this section.

7. a. The police chief, code enforcement supervisor, department of public works supervisor or his or her designee or any additional city department head, as authorized by the City Council, shall keep an account of the costs, including incidental expenses, of abating such graffiti on each separate property where the work is done and shall render an itemized report in writing to the City Council showing the costs of abatement of the graffiti. The term incidental expenses shall include but is not limited to the actual expenses and costs of the city in the preparation of notices, title searches, specifications and contracts, inspection of work, the cost of posting and mailing required under this chapter, any attorney's fees expended in the abatement of the nuisance, all costs and nuisance abatement action, and all costs or expenses to which the city may be entitled under state law. Costs and expenses for which the city may be reimbursed begin to accrue at the time the city first receives a complaint regarding the graffiti. Costs and expenses may be recovered once it has become necessary for the city to conduct an abatement hearing. Notwithstanding the foregoing, costs and expenses of abatement may not be recovered from the owners of single-family residences that are owner-occupied.

b. The police chief, code enforcement supervisor, department of public works supervisor or his or her designee or any additional city department head, as authorized by the City Council, shall notify, in writing the owner or possessor of the property upon which graffiti has been abated by the city, the cost of said abatement in accordance with Section 25845 of the Government Code. Within ten (10) days of the mailing of such notice, any such party concerned and any other person having any right, title, or interest in the property, may file with the said city a written request for a hearing on the correctness, reasonableness or both of such claim of abatement costs. The police chief, code enforcement supervisor, department of public works supervisor or his or her designee or any additional city department head, as authorized by the City Council, shall then cause notice of the time and place of the hearing before the public works supervisor or his or her designee to be given to the owners and possessors of the property, and to any other interested person requesting

the same by United States mail, postage prepaid, addressed to the person at his/her last known address at least five (5) days in advance of the hearing.

c. The time and place fixed for receiving the report. The department of public works supervisor or his or her designee shall hear and pass upon the report together with any objections or protests raised by any of the persons liable for the cost of abating the nuisance. Thereupon, the department of public works supervisor or his or her designee shall make such revision, correction and modification to the report as it may deem just, after which the report as submitted, or as revised, corrected or modified, shall be confirmed. The decision of the department of public works supervisor or his or her designee is final.

8. If the total cost of the abatement of the graffiti by the city is not paid to the city within ten (10) days after the date of notice of the cost of the abatement, the city shall record, in the Office of Finance, a statement of the total balance due to the city, a legal description of the property, and the name of the owner concerned. From the date of such recording, the balance due will constitute a lien on the property. The lien will continue in full force and effect until the entire amount due, together with interest as the maximum legal rate accruing from the date of the completion of the abatement, is paid in full. Notwithstanding the foregoing, no lien shall be placed on a single-family residence which is owner occupied.

9. The city may also, in accordance with the provisions of the laws of the State of California, cause the amount due to the city by reason of its abating graffiti together with interest at the maximum legal rate, accruing from the date of completion of the abatement, to be charged to the owners of the property, on the next regular bill. All laws of the State of California applicable to the levy, collection and enforcement of the city taxes are hereby applicable to the collection of these charges. Notwithstanding the foregoing, no charges shall be added to the tax bill of an owner of a single family residence that is owner-occupied.

10. The City Council may bring appropriate actions, in a court of competent jurisdiction, to collect any amount due by reason of the abatement of graffiti by the city and to foreclose any existing liens for such amounts. Notwithstanding the provisions of this chapter, the city may bring the appropriate civil and criminal action in a court of competent jurisdiction for abatement of any nuisance within the city pursuant to any other provision of law.

D. Ease of Removal Provisions.

1. Any gas, telephone, water, sewer, cable, telephone or other utility operating in the city, other than an electric utility, shall paint their above surface metal fixtures which

are installed after the effective date of this chapter with a uniform paint type and color as directed by the department of public works supervisor or his or her designee.

2. Encroachment permits issued by the city may, among other things, be conditions on (a) the permittee applying anti-graffiti material to the encroaching object or structure of a type and nature that is acceptable to the department of public works supervisor or his or her designee; (b) the immediate removal by the permittee of any graffiti; (c) the right of the city to remove graffiti or to paint the encroaching structure; (d) the permittee providing city with sufficient matching paint and/or anti-graffiti material on demand for use in the painting of the encroaching object or structure containing graffiti.

3. In imposing conditions upon conditional use permits, variances, building permits to the extent permitted by this code, or other similar land use entitlement or development or design applications, the city may impose any or all of the following conditions or other similar or related conditions:

a. Applicant shall apply anti-graffiti material of a type and nature that is acceptable to the department of public works supervisor or his or her designee to such of the publicly viewable surfaces to be constructed on the site deemed by the supervisor or designee, to be likely to attract graffiti (“graffiti attracting surfaces”);

b. Applicant shall grant in writing, the right of entry over and access to such parcels, upon forty eight (48) hours’ posted notice, by authorized city employees or agents, for the purpose of removing or painting over graffiti on graffiti-attracting surfaces previously designated by the department of public works supervisor or his or her designee. Such grant shall be made an express condition of approval and shall be deemed to run with the land.

c. Applicant, and any and all successors in interest, shall for a period of two years after approval, provide the city with sufficient matching paint and/or anti-graffiti material on demand for use in the painting or removal of designated graffiti-attracting surfaces;

d. Persons applying for subdivision maps shall, as part of any conditions, covenants and restriction, covenant, which covenant shall run with the land in a form satisfactory to the city, that the owners of the lots shall immediately remove any graffiti placed on public viewable trees and structures thereon to the city’s satisfaction. (Ord. 2563 § 2 (part), 2002)

9.08.110 Penalties and civil liability of parents.

It is the city’s intent that pursuant to California Penal Code Section 640.6(a), all acts of graffiti vandalism occur-

ring within the city shall be prosecuted as misdemeanors pursuant to California Penal Code Section 594, et seq., or this chapter.

A. Criminal Penalties. Any violation of this chapter shall be a misdemeanor punishable by either six (6) months in jail, a five hundred dollar (\$500.00) fine, or both such fine and imprisonment, and by the performance of community service in the form of graffiti-clean-up to the maximum extent permitted by law. Each person, firm, corporation, or partnership shall be deemed guilty of a separate offense for each and every day or any portion thereof during which any violation of the provisions of this code is committed, continued, or permitted by such a person, firm, corporation, or partnership, and shall be deemed punishable thereof as provided in this section.

B. Parental Liability. Any parent or legal guardian having custody and control of a minor who violates any section of this chapter, shall be personally liable for any and all costs to the city or any person or business incurred in connection with the removal of graffiti caused by conduct of said minor, and for all attorney’s fees and court costs incurred in connection with the civil prosecution of any claim for damages or reimbursement not to exceed ten thousand dollars (\$10,000.00) for each violation of the minor. (Ord. 2563 § 2 (part), 2002)

9.08.120 Violations—Civil remedies available.

A violation of any of the provisions of this chapter shall constitute a nuisance and may be abated by the city through civil process by means of a restraining order, preliminary or permanent injunction, or in any manner provided by law for the abatement of such nuisance. (Ord. 2563 § 2 (part), 2002)

9.08.130 Code as a supplement to state law.

A. Nothing in this code shall prohibit the enforcement of any laws or definitions regarding graffiti, anti-graffiti, or its implements as found in the California Code and is intended to supplement such laws. This includes, but is not limited to the Civil Code, Penal Code, Evidence Code, Government Code, and the Business and Professions Code of the State of California. (Ord. 2563 § 2 (part), 2002)

Chapter 9.10

SMOKING AND USE OF PRODUCTS IN AND AROUND PLAYGROUND EQUIPMENT AREAS AND TOT SANDBOX AREAS

Sections:

9.10.010	Definitions.
9.10.020	Prohibition.
9.10.030	Posting.
9.10.040	Punishment.

9.10.010 Definitions.

"Playground" means any park or recreational area specifically designed to be used by children that has play equipment installed, or any similar facility located on city park grounds.

"Smoke or smoking" means the carrying of a lighted pipe, lighted cigar, or lighted cigarette of any kind, or the lighting of a pipe, cigar or cigarette of any kind, including, but not limited to, tobacco, or any other weed or plant.

"Tot lot sandbox area" means a designated play area within a city park for the use by children under five (5) years of age. Where the area is not contained by a fence, the boundary of a tot lot sandbox shall be defined by the edge of the resilient surface of safety material, such as concrete or wood, or any other material surrounding the tot lot sandbox area. (Ord. 2549 § 1 (part), 2002)

9.10.020 Prohibition.

A. It is unlawful for any person to smoke a cigarette, cigar, or other tobacco-related product at all city of El Monte parks, from curb to curb in or upon any dedicated city park, playground or recreation center including but not limited to: Arceo Park, Fletcher Park, Pioneer Park, Rio Vista Park, Baldwin Mini Park, Lambert Park, Mountain View Park, Zamora Park, Gibson Park, Lashbrook Park and Santa Fe Trail Historical Park, including but not limited to any play areas, tot lot sandbox area, buildings and any parking lots adjacent to park.

B. It is unlawful for any person to dispose of cigarette butts, cigar butts, or any other tobacco-related waste at all city of El Monte parks, from curb to curb in or upon any dedicated city park, playground or recreation center including but not limited to: Arceo Park, Fletcher Park, Pioneer Park, Rio Vista Park, Baldwin Mini Park, Lambert Park, Mountain View Park, Zamora Park, Gibson Park, Lashbrook Park and Santa Fe Trail Historical Park, including but not limited to any play areas, tot lot sandbox area, buildings, and any parking lots adjacent to park.

C. The department or division responsible for maintenance of all city of El Monte parks shall post signs indicating the prohibitions set forth in subsections A and B of this section. Such signs shall be posted in at least three (3) conspicuous locations in each park. (Ord. 2645 § 1, 2005; Ord. 2549 § 1 (part), 2002)

9.10.030 Posting.

A. Signs notifying the public of the prohibition against smoking or the disposal of tobacco-related waste pursuant to this section shall be posted in locations where they are clearly visible to the general public at the entrances of city parks.

B. Signs notifying the public of the prohibition against smoking or the disposal of tobacco-related waste pursuant to this section shall be posted at the boundary of the areas where smoking or the disposal of tobacco-related waste is prohibited. (Ord. 2549 § 1 (part), 2002)

9.10.040 Punishment.

Any person who violates this section shall be guilty of an infraction for a first offense, which shall be punishable by a fine of fifty dollars (\$50.00). Conviction of a second violation of this section shall be punishable by a fine of one hundred dollars (\$100.00). Third and subsequent violations of this section shall be punishable by a fine of not less than two hundred dollars (\$200.00) or more than five hundred dollars (\$500.00). (Ord. 2549 § 1 (part), 2002)

Chapter 9.12**ALCOHOLIC BEVERAGES****Sections:**

- 9.12.010** **Intoxicating beverages.**
- 9.12.020** **Alcoholic beverages in open containers prohibited on posted premises.**
- 9.12.030** **Alcoholic beverages in open containers prohibited on public property.**
- 9.12.040** **Exemption for leased or licensed city property.**

9.12.010 Intoxicating beverages.

A. It is unlawful for any person to consume any alcoholic beverage or to have in his or her possession any bottle, can or other receptacle containing any alcoholic beverage which has been opened, or a seal broken, or the contents of which have been partially removed, upon any public street, alleyway, sidewalk or parkway, or in any public park, buildings, lavatories, parking lot, auto park or lobby or entrance way to any building within the city.

B. Exception. The provisions of the preceding subsection A of this section shall not apply to the El Monte Community Center when application by an El Monte nonprofit group or organization to serve intoxicating beverages therein is approved by the City Council. The fee schedule for the use of the El Monte Community Center when intoxicating beverages are served therein shall be as established by the City Council by separate resolution. The number of security guards shall be specified by the Chief of Police or his or her designated representative.

C. It shall be the responsibility of the nonprofit group or organization serving intoxicating beverages in the El Monte Community Center to obtain the necessary permits from the Department of Alcoholic Beverage Control.

D. The provisions of subsection A of this section and Section 9.12.030 shall not apply to any location or premises where the consumption and possession of alcoholic beverages is authorized pursuant to a valid license or permit issued by the California Department of Alcoholic Beverage Control. (Ord. 2688 § 1, 2007; prior code §§ 4240—4240.3)

9.12.020 Alcoholic beverages in open containers prohibited on posted premises.

A. No person who has in his or her possession any bottle, can or other receptacle containing any alcoholic

beverage which has been opened, or a seal broken, or the contents of which have been partially removed, shall enter, be, or remain on the posted premises of, including the posted parking lot immediately adjacent to, any retail package off-sale alcoholic beverage licensee licensed pursuant to Division 9 (commencing with Section 23000) of the Business and Professions Code, or on any public sidewalk immediately adjacent to the licensed and posted premises.

B. As used in subsection A of this section “posted premises” means those premises which are subject to licensure under any retail package off-sale alcoholic beverage license, the parking lot immediately adjacent to the licensed premises and any public sidewalk immediately adjacent to the licensed premises on which clearly visible notices indicate to the patrons of the licensee and parking lot and to persons on the public sidewalk, that the provisions of this section are applicable.

C. The provisions of this section shall not apply to a private residential parking lot which is immediately adjacent to the posted premises.

D. All off-sale liquor establishments in the city shall post their premises in accordance with the provisions of this section. Establishments licensed to do business on the effective date of the ordinance codified in this chapter shall post their premises at the time of their business license renewal. New off-sale liquor establishments starting business after the effective date of the ordinance codified in this section shall post their premises immediately upon opening for business. (Prior code § 4244)

9.12.030 Alcoholic beverages in open containers prohibited on public property.

Except as provided in subsections 9.12.010(B) and (D), no person shall have in his or her possession any bottle, can, or other receptacle containing any alcoholic beverage which has been opened, or a seal broken, or the contents of which have been partially removed, while such person is in or upon any public street, sidewalk, public park, public hall, or other public place, or other place open to the public, or upon any premises whereat a public dance is being conducted or upon any automobile parking lot or other property used in conjunction with any premises whereat a public dance is being conducted, whether such person is or is not in or upon any automobile, street, or interurban car, vehicle or conveyance. (Prior code § 4244.1)

9.12.040 Exemption for leased or licensed city property.

A. The prohibitions set forth under this chapter shall not apply to the sale, distribution, consumption or possession of alcoholic beverages on any city-owned real property which has been leased or licensed by the city for the exclusive use and possession of any lessee or licensee. The sale, distribution, consumption and possession of alcoholic beverages upon such properties shall be subject to the terms of the lease or license agreement under which the property has been leased or licensed; and in accordance with city zoning laws and any governing or superseding state laws or laws of the county of Los Angeles.

B. Nothing in this section shall relieve or otherwise release any lessee, licensee or lawful occupant of any real property described in subsection A of this section from: (1) complying with any applicable state laws relating to the sale, distribution, consumption or possession of alcoholic beverages; (2) obtaining any approvals required by any other public agency with jurisdiction over such matters, including, but not limited to, any approvals required by the California Department of Alcohol Beverage Control; or (3) obtaining any other standard permits or approvals required elsewhere under the El Monte Municipal Code.

C. "City zoning laws" include, but are not necessarily limited to, those laws set forth under Title 16 (Subdivisions) and Title 17 (Zoning) of the El Monte Municipal Code. "State laws" means the laws of the state of California, including all statutes, regulations and administrative orders issued by any department or subdivision of the state of California. (Ord. 2698 § 2, 2007)

Chapter 9.16**DRUG PARAPHERNALIA****Sections:**

- 9.16.010** **Sale and display of drug paraphernalia.**
- 9.16.020** **Sale authorized in posted room.**
- 9.16.030** **Minors prohibited from entering.**
- 9.16.040** **Sale to minors prohibited.**
- 9.16.050** **Sale of drug paraphernalia declared adult business.**
- 9.16.060** **Unauthorized sale of drug paraphernalia declared public nuisance.**

9.16.010 **Sale and display of drug paraphernalia.**

No person shall display for sale or offer for sale, in a place of business open to the public, any drug paraphernalia. As used in this chapter, the phrase "drug paraphernalia" shall include any of the items possession of which is prohibited by Section 11364 of the State of California Health and Safety Code, or any instrument used, designed for use, or intended for use in ingesting, smoking, administering, or preparing marijuana, hashish, hashish oil, or cocaine such as:

- A. Metal, wooden, acrylic, glass, stone, plastic, or ceramic marijuana, or hashish pipes, with or without screens, permanent screens, hashish heads, or punctured metal bowls;
- B. Water pipes designed for use or intended for use with marijuana, hashish, hashish oil, or cocaine;
- C. Carburetion tubes and devices;
- D. Smoking and carburetion masks;
- E. Roach clips;
- F. Separation gins designed for use or intended for use in cleaning marijuana;
- G. Cocaine spoons and vials;
- H. Chamber pipes;
- I. Carburetor pipes;
- J. Electric pipes;
- K. Air driven pipes;
- L. Chillums;
- M. Bongs; and
- N. Ice pipes or chillers.

(Prior code § 4330)

9.16.020 **Sale authorized in posted room.**

The prohibitions set for in Section 9.16.010 shall not apply when drug paraphernalia are displayed for sale or

offered for sale in a room the entrance of which is posted by a conspicuous sign clearly indicating that drug paraphernalia are displayed for sale or offered for sale therein and that minors may not enter such room unless accompanied by a parent or legal guardian. (Prior code § 4330.1)

9.16.030 **Minors prohibited from entering.**

No person in control of any place of business open to the public shall allow a minor not accompanied by a parent or legal guardian to enter or remain in a room at such place of business in which drug paraphernalia are displayed for sale or offered for sale. (Prior code § 4330.2)

9.16.040 **Sale to minors prohibited.**

No person at any place of business open to the public shall sell drug paraphernalia to a minor who is not accompanied by a parent or legal guardian.

A. No minor who is not accompanied by a parent or legal guardian shall enter or remain in a room at a place of business open to the public in which drug paraphernalia are displayed for sale or offered for sale.

B. No minor who is not accompanied by a parent or legal guardian shall purchase drug paraphernalia at a place of business open to the public. (Prior code §§ 4330.3—4330.5)

9.16.050 **Sale of drug paraphernalia declared adult business.**

The sale of drug paraphernalia shall constitute an adult business within the meaning of the city zoning ordinance. (Amended during 1999 recodification; prior code § 4331)

9.16.060 **Unauthorized sale of drug paraphernalia declared public nuisance.**

The display for sale or possession for sale of drug paraphernalia in a place of business open to the public, except as permitted in this chapter, is declared to be a public nuisance and may be abated pursuant to Section 731 of the Code of Civil Procedure of the state or pursuant to the procedure set forth in Chapter 8.44 of this code. (Amended during 1999 recodification as prior code § 4332)

Chapter 9.20**GAMBLING****Sections:**

- 9.20.010** **Gambling equipment.**
- 9.20.020** **Gambling places.**
- 9.20.030** **Gambling.**
- 9.20.040** **Gambling places.**
- 9.20.050** **Gambling signs.**
- 9.20.060** **Games not prohibited.**
- 9.20.070** **Bingo.**

9.20.010 Gambling equipment.

No person shall exhibit or expose to view in any barred or barricaded house or room or in any place built, maintained, or protected in a manner to make it difficult of access or ingress to police officers, when three (3) or more persons are present, any cards, dice, roulette table, roulette wheel, or layout, or any part of such layout, or any gambling implements whatsoever. (Prior code § 4200)

9.20.020 Gambling places.

No person shall visit or resort to any such barred or barricaded house or room or other place built, maintained, or protected in a manner making it difficult of access or ingress to police officers where any cards, dice, roulette table, roulette wheel, or layout or any part of such layout, or any gambling implements whatsoever are exhibited or exposed to view when three (3) or more persons are present. (Prior code § 4201)

9.20.030 Gambling.

No person shall deal, play, carry on, open, cause to be opened, or conduct any game, or bet at any game, played with cards, dice, or any other device, for money, checks, credits, chips, tokens, or anything of value or for anything representative of anything of value. (Prior code § 4202)

9.20.040 Gambling places.

No person shall place, maintain or operate any card game for money, checks, credits, chips, tokens, or anything of value or for anything representative of anything of value, where such playing, maintenance or operation is in a room, hall, place of business, or any public place, and a charge is made as a rental for the use of tables, chairs, cards or any other equipment, and such place is opened, maintained or operated for profit. No person shall knowingly permit any game prohibited by this chapter to be played, conducted or dealt in any house, building, or

other premises owned by, rented by, or in the lawful possession of such person. No person shall resort to, attend, visit, or be present at any house, room, building, or other place where any gambling is being conducted, played, or carried on, or where any game is being played, conducted, or dealt contrary to any provision of this chapter. (Prior code § 4203)

9.20.050 Gambling signs.

No person shall maintain, display or exhibit any sign visible to any person upon any sidewalk or street that any specific game can be played therein, where such game is played with cards for money, checks, credits, chips, tokens, or anything of value or for anything representative of anything of value. (Prior code § 4204)

9.20.060 Games not prohibited.

Nothing contained in this chapter is intended to or shall be construed to permit the playing, maintaining, or operating of any game prohibited by law, nor to prohibit the playing, maintaining or operating of any game already prohibited by law. (Prior code § 4205)

9.20.070 Bingo.

Nothing contained in this chapter is intended to or shall be construed to prohibit the playing, maintaining or operating of any bingo game as defined by Section 326.5(n) of the California Penal Code, if played, maintained or operated in accordance with all provisions of Section 326.5 of the California Penal Code and of Section 5.24.010 of this code of the El Monte Municipal Code, so long as a permit therefor issued pursuant to Chapter 5.12 of the of the El Monte Municipal Code is in effect. (Prior code § 4206)

Chapter 9.24

PIN GAMES, MARBLE GAMES AND HORSE RACING MACHINES

Sections:

9.24.010	Definitions.
9.24.020	Possession prohibited.
9.24.030	Abatement.

9.24.010 Definitions.

For the purposes of this chapter the following words and phrases shall have the meaning and shall be construed as hereinafter set forth:

"Any game similar to a marble game" means "B alley," "alley" and any other miniature mechanical bowling game device, by whatever name called, any table, cabinet or mechanical device equipped for the playing of any game whereby any marble, ball, pellet or any moving object is propelled, rolled, shot or released toward a goal, pin, set of pins, or other objective by means of any plunger, ejector, mechanical bat, mechanical hand, or by means of any other striking or releasing mechanism which is affixed or attached to the table or cabinet, or which is an integral part of the mechanical device or which is mechanically manipulated, controlled or guided, and which game is so contrived that, at the conclusion of the operation or play thereof the score or result of play thereof is visible or otherwise discernible so as to permit or make practicable the paying off or awarding of a prize or reward upon the operation or play of the game.

"Horse racing machine" means any mechanically operated amusement machine or device contrived to simulate in miniature the running of a horse race or any other race run by beasts, humans or machines, or which is contrived to put in motion any number of objects or symbols which then do, or appear to, run or move against each other in the manner of a miniature race, or which is designed to represent, by symbols, the running of any race and the order of the finish therefor.

"Marble game" means any table, cabinet or stand equipped for the playing of a game whereby marbles or balls are, with the aid of a mechanical plunger or other affixed device, propelled, released, shot or rolled so as to drop or come to rest in holes, slots, cups or traps, resulting in a score or tally being electrically or otherwise registered or shown, which score or tally depends upon the course followed or point reached by the marble or ball or upon the contact points touched by it along its course, or upon any combination of such factors.

"Pin game" means any table, cabinet or mechanism equipped for the playing of any game whereby any mar-

ble, ball, pellet, or other moving object is propelled, released, rolled or shot along, over or above a surface set with pins, pegs or other obstructions or irregularities which deflect or impede the course of the moving object or which may divert or direct it beyond the control of the player. (Prior code § 4275)

9.24.020 Possession prohibited.

A. No person shall use, keep, operate, maintain, place, or possess in the city any of the following:

1. Any pin game, any marble game or any game similar to a marble game, or any horse race machine the operation of which game or machine is controlled, permitted or made a variable by placing therein a coin, plug, disk, key, or token or which is let for use, operation or play upon the payment or delivery of anything of value therefor, or upon the making of any purchase.

2. Any mechanical device or mechanically operated contrivance for the playing of any game of chance, the use or operation of which is controlled, permitted or made available by placing therein any coin, plug, disk, key or token, or which is let for use, operation, or play upon the payment or delivery of anything of value therefor, or upon the making of any purchase.

B. Exception. The provisions of subsection A of this section shall not apply to the keeping, possessing, or exhibiting of any such mechanical contrivance or device at or in any mercantile store in which such mechanical contrivances or devices are kept solely for sale and which mechanical contrivances or devices members of the public are not permitted or allowed to operate, manipulate or play except as incident to a demonstration for the purpose of sale. (Prior code §§ 4275.1, 4275.2)

9.24.030 Abatement.

Any machine, contrivance, appliance, device, game, ticket, chance, share, interest, instrument or article operated, used, kept, possessed, placed, or maintained in violation of the provisions of:

A. Sections 330a of the Penal Code of the state; or

B. Any section enumerated in Part I, Title 9, Chapter 9 of the Penal Code of the State of California; or

C. Subsection 9.24.020A is declared to be a nuisance and shall be subject to abatement as follows:

1. When any person has been convicted of or pleaded guilty to any violation of any provision of this code or of any law of this state involving the operation, use, maintenance, or possession of any article declared by this section to be a nuisance, such article shall be destroyed by the Chief of Police after the plea or after the judgment of conviction has become final.

2. If any article subject to destruction as hereinabove provided is in the custody of any court, the Chief of Police shall cause an application to be made to the judge of said court for an order releasing such article to him or her in order that he or she may comply with this section. (Prior code § 4275.3)

Chapter 9.28**WEAPONS****Sections:**

- 9.28.010** **Definitions.**
- 9.28.020** **Possession by minors prohibited.**
- 9.28.030** **Parental duty.**
- 9.28.040** **Sale to minors prohibited.**
- 9.28.050** **Discharge prohibited—Exception.**

9.28.010 **Definitions.**

For the purpose of this chapter, certain words and phrases shall be construed as follows, unless it is apparent from the context that a different meaning is intended:

“Air gun” means any object capable of discharging or projecting any missile by the force of compressed air or gas, including but not limited to: air rifle, B-B gun, peashooter, blowgun, pellet gun, pellet rifle, or any other similar device capable of inflicting injury to person or damage to property.

“Firearm” means any object capable of discharging or projecting any missile by the force of any explosion or other form of combustion, including but not limited to: shotgun, rifle, pistol, revolver, target pistol, target gun, tommy gun, spring gun, wham-o gun, or any other similar device capable of inflicting injury to person or damage to property.

“Harmful device” means any object capable of discharging or projecting any missile by physical force from muscle power or mechanical device, including but not limited to: sling, slingshot, catapult, crossbow, longbow or any other similar device capable of inflicting injury to person or damage to property.

“Knife” means any instrument used for cutting consisting of a sharp-edged metal blade over two (2) inches in length and provided with a handle, including but not limited to: springback knife, fixed or locking blade knife, scalpel, kitchen knife, hunting knife, bayonet, sickle, hatchet, ax or any other similar device. (Prior code §§ 4250—4250.4)

9.28.020 **Possession by minors prohibited.**

No person under eighteen (18) years of age shall own or possess any firearms. No person under eighteen (18) years of age shall wear, display, brandish or carry a firearm, a knife, an air gun or harmful device on public property in the city except in a bona fide transportation of said object from one private premises to another provided that during such transport said object is not readily useable by virtue of its being dismantled, unstrung or

otherwise enclosed in a carrying case or similar container. (Prior code § 4251)

9.28.030 **Parental duty.**

No parent, guardian, custodian or person in charge of any person under eighteen (18) years of age shall permit any such person under the age of eighteen (18) years to own, possess or use any firearm. (Prior code § 4252)

9.28.040 **Sale to minors prohibited.**

No person shall sell, exchange, give, deliver, transport or loan any firearm to any person under eighteen (18) years of age. (Prior code § 4253)

9.28.050 **Discharge prohibited—Exception.**

A. No person shall fire, discharge, shoot or use any firearm in the city except in the performance of official duty or in the lawful defense of person or property. No person shall fire, discharge, shoot or use any air gun or harmful device on any public property or on any private property from where any missile is discharged or projected from said private property onto any public property or any other private property except in the lawful defense of person or property.

B. Exception. Nothing in this chapter shall preclude the possession or use of firearms, air guns, or harmful devices in bona fide shooting galleries or other facilities licensed by the city and operated in accordance with all regulations applicable thereto nor to the possession or use of firearms, air guns or harmful devices by members of organizations or students of educational institutions authorized to give instruction in the use of such devices or by clients of businesses engaged in the sale, or repair of such devices while such devices are being used in conjunction with the regular business of such organization, institution or business; nor to the possession of firearms at the place of employment by a bona fide employee of a merchant while such possession is necessary in the usual course of such employment; nor to any other possession of firearms specifically authorized by law. (Prior code §§ 4254, 4255)

Chapter 9.32

JUVENILE CURFEWS

Sections:

9.32.010	Definitions.
9.32.020	Offenses.
9.32.030	Defenses.
9.32.040	Curfew pass.
9.32.050	Violations—Civil penalties.

9.32.010 Definitions.

For purposes of this chapter the following terms shall have the following definitions:

“Curfew hours” means:

1. The periods of time commencing at ten p.m. on each Sunday, Monday, Tuesday, Wednesday, and Thursday, terminating at six a.m. of the next following day; and
2. The periods of time commencing at 12:01 a.m. on each Saturday and Sunday, terminating at six a.m. the next following day.

“Daytime curfew” means the periods of time commencing at eight-thirty a.m. terminating at one-thirty p.m. on each Monday, Tuesday, Wednesday, Thursday and Friday, while schools are in regular session.

“Emergency” means an unforeseen combination of circumstances or the resulting state that calls for immediate action. Emergency includes, but is not limited to, a fire, a natural disaster, or automobile accident, or any situation requiring immediate action to prevent serious bodily injury, loss of life or property damage.

“Guardian” means a person or public or private agency who, under court order, is designated as the guardian of the person of a minor.

“Minor” means any natural person under eighteen (18) years of age.

“Parent” means a person who is a natural parent, adoptive parent, or stepparent of another person.

“Public place” means any place to which the public or a substantial group of the public is invited, or has access. “Public place” includes, but is not limited to, public streets and the common public areas of schools, hospitals, apartment houses, office buildings, transport facilities and shops.

“Remain” means to:

1. Linger or stay; or
2. Fail to leave a location when requested to do so by a police officer as to a public place.

“Serious bodily injury” means bodily injury that creates a substantial risk of death or that causes death, serious permanent disfigurement, or protracted loss or

impairment of the function of any bodily member or organ. (Ord. 2466 § 2 (part), 1997: prior code § 4230)

9.32.020 Offenses.

A. A minor shall not remain in any public place within the city during curfew hours or during the hours of a daytime curfew.

B. A parent or guardian of a minor shall not knowingly permit, or by insufficient control allow, such minor to remain in any public place within the city during curfew hours or during the hours of a daytime curfew. (Ord. 2466 § 2 (part), 1997: prior code § 4231)

9.32.030 Defenses.

A. It shall be a complete defense to a prosecution of a minor for a violation under Section 9.32.020 that the minor was, at the time of the charge was:

1. Accompanied by the minor’s parent or guardian; or
2. Directly engaged in an errand at the express direction of the minor’s parent or guardian; or
3. In a motor vehicle which is engaged in intrastate or interstate travel; or
4. Engaged in an employment activity, or going directly to or directly returning home from an employment activity; or
5. Involved in an emergency; or
6. Attending a school activity or religious activity sponsored by a school or religious group/church, or a recreational activity sponsored by a public entity or a private sponsoring entity which supervises the activity; or while going to or returning home from, without any detour or stop, such an activity; or
7. Lawfully exercising constitutional rights such as the free exercise of religion, freedom of speech, or the right of assembly; or
8. Judicially declared emancipated.

B. It shall be a complete defense to the prosecution of a minor under Section 9.32.030 for a violation occurring during daytime curfew hours, if the minor:

1. Has permission to leave the school campus where the minor is enrolled as a student for lunch or a school-related activity, or has in his or her possession a valid, school-issued, off-campus permit or is supervised by school personnel; or
2. Has in his or her possession a written document from the minor’s parent(s) or legal guardian(s), excusing, for good cause, the minor’s absence from school; or
3. Is not subject to compulsory education or to compulsory continuation education pursuant to the California Education Code; or

4. Is not required to be in school because school is not in session. (Ord. 2466 § 2 (part), 1997: prior code § 4232)

9.32.040 Curfew pass.

A. If it is necessary for any minor to remain in any public place during curfew hours or during the hours of a daytime curfew, the parent or guardian of the minor may, but is not required to, file with the Chief of Police an application for a curfew pass to allow such minor to remain in any public place during curfew hours or during the hours of a daytime curfew, as is necessary.

B. The application for such curfew pass shall:

1. Be in writing;
2. State the name and age of such minor;
3. Describe the height, weight, sex, color of eyes and hair, and other physical characteristics of such minor;
4. Explain the reason which requires such minor to remain in a public place or in an establishment during curfew hours or during the hours of a daytime curfew;
5. State the public place in which the minor seeks to remain during curfew hours or during the hours of a daytime curfew, if applicable; and
6. State the exemption under Section 9.32.030 which is applicable.

C. After the filing of an application therefor, the Chief of Police shall issue a curfew pass in writing for such minor to remain in the public place during curfew hours or during the hours of a daytime curfew to the extent that the application shows that an exemption of Section 9.32.030 applies to such minor. Such curfew pass shall clearly state thereon the Section 9.32.030 exemption under which the curfew pass is issued. (Ord. 2466 § 2 (part), 1997: prior code § 4234)

9.32.050 Violations—Civil penalties.

A. Infraction. A violation of this chapter by a minor shall be deemed to be, upon the first occasion, an infraction; second and subsequent violations within a period of ninety (90) consecutive calendar days by the same minor shall be punishable as a misdemeanor.

B. Parent or Guardian. A violation of this chapter by the parent or guardian of a minor shall be deemed to be a misdemeanor.

C. Penalty. Any person who violates a provision of this chapter shall be liable for a civil penalty not exceeding one thousand dollars (\$1,000.00) per occurrence, for each violation, which shall be assessed and recovered in a civil action brought by the District Attorney or the City Attorney. In any action brought pursuant to this section, one-half of the penalty shall be paid to the treasurer of the county, and one-half to the treasurer of the city.

D. Remedies—Cumulative. The civil remedies and penalties for violations which are provided for in this chapter, are cumulative with all other remedies and penalties available to the city under other provisions of the El Monte Municipal Code or other applicable law.

E. Concurrent Actions. Nothing in this chapter shall be deemed to prevent the city from seeking the enforcement and prosecution of any violation of this chapter as a misdemeanor or infraction concurrently with the enforcement of any violation of the chapter by means of any civil fine, penalty or civil proceeding in which money or equitable relief may be obtained by the city under this chapter or under other applicable law.

F. Nuisance. A violation of any provision of this chapter shall also constitute a nuisance and may be abated by the city through administrative civil process by means of restraining order, preliminary or permanent injunction, or in any other manner provided by law for the abatement of such a nuisance. (Ord. 2466 § 2 (part), 1997: prior code § 4233)

Chapter 9.36

REWARDS FOR CRIMINAL INFORMATION

Sections:

- 9.36.010 Purpose.
 9.36.020 Offer of reward by resolution.
 9.36.030 Filing claim.
 9.36.040 Time of payment.
 9.36.050 Anonymity of informant.
 9.36.060 Decision by City Administrative Officer.
 9.36.070 Authorization for payment of confidential informants by the Chief of Police.
 9.36.080 Authorization for payment of confidential information by Chief of Police (misdemeanor crimes).

9.36.010 Purpose.

The City Council finds that there are a variety of crimes that are committed in the city or against the residents of the city that are difficult to investigate and obtain sufficient evidence to apprehend and convict the responsible person without the cooperation of knowledgeable witnesses. It is in the best public interest for the protection and safety of persons who reside or work in the city and for protection of property located within the city that a procedure be established for giving rewards to persons who furnish information that lead to the arrest and/or conviction of persons charged with crimes affecting residents of the city or persons who may work or conduct business in the city or who may own property in the city. In addition, the public interest, safety and welfare shall also be served by providing rewards to informants who provide reliable information to the police which permit the police to pursue an investigation concerning a felony crime or a misdemeanor crime (or the preparation for commission of a felony crime) and which information provides a basis on which arrests may be made. (Prior code § 3950)

9.36.020 Offer of reward by resolution.

Specific authorization for offering a reward may be undertaken by resolution of the City Council. Such resolution shall incorporate by reference the provisions of this chapter, set forth the amount of reward, the crime to which it applies, and terms and conditions in addition to those contained herein that will apply to a specific reward. (Prior code § 3950.1)

9.36.030 Filing claim.

Any person claiming a reward for information leading to the arrest and conviction of a person charged with a crime, as authorized by resolution of the City Council, must, within ten (10) days of furnishing such information complete and file with the Police Department a "claim for reward." Such claim form shall be provided by the Police Department and shall be in the following form:

CLAIM FOR REWARD

I, _____, address _____ hereby claim reward in the amount of _____ for information that I have voluntarily furnished to the El Monte Police Department. This claim is made in accordance with Chapter 9(A), Article III of the El Monte Municipal Code and Resolution No. _____ of the City Council of the City of El Monte, a copy of which I have received.

That I will cooperate with the El Monte Police Department and the Los Angeles County District Attorney to the extent of furnishing information and testifying at any hearing or trial.

I recognize that the reward is limited to the amount set forth in the Resolution and that other persons may claim this reward. In the event there is a dispute as to my entitlement to receive the reward or the amount, I agree to having this claim determined by the City Administrative Officer as set forth in Section 3950.5 of the Municipal Code.

I understand that payment of the reward is conditional upon the information/testimony that I furnished being of a type and nature that would lead to arrest and/or conviction.

There has been no other offer or promise to me except as contained in the described Resolution.

DATED: _____

SIGNED: _____

(Prior code § 3950.2)

9.36.040 Time of payment.

Rewards as provided herein shall not be paid until a criminal case is closed by sentencing of the defendant, judgment of acquittal, dismissal of charges or expiration of five years from the date the information was furnished. (Prior code § 3950.3)

9.36.050 Anonymity of informant.

Upon request of the Chief of Police and a finding by the City Council that it is in the best public interest, the name of the claimant for a reward as authorized by resolution may be confidential information and kept anonymous. (Prior code § 3950.4)

9.36.060 Decision by City Administrative Officer.

The determination as to whether an individual(s) is qualified to receive a reward as authorized by resolution and the amount(s) and the persons who shall receive such a reward or proportion thereof, shall be subject to the sole discretion and approval of the City Administrative Officer after report and recommendation by the Chief of Police. The decision of the City Administrative Officer shall be final and without appeal to the City Council. (Prior code § 3950.5)

9.36.070 Authorization for payment of confidential informants by the Chief of Police.

The Chief of Police may, from time to time, offer a reward to a confidential informant and authorize the payment of a reward to such an individual in an amount not to exceed five hundred dollars (\$500.00) in any case in which a confidential informant provides information to the El Monte Police Department which the Chief of Police finds and determines to be of substantial evidentiary value in connection with a police investigation which leads to the arrest of one or more persons who have committed a felony crime or who are preparing for the commission of a felony crime within the city; provided however that the Chief of Police shall not authorize payments of an aggregate amount of more than five thousand dollars (\$5,000.00) of such rewards to confidential informants during any fiscal year of the city. The Chief of Police shall keep and maintain a record of accounts of such payments and include in such record a brief written explanation of the basis on which the reward was paid. Such records shall be maintained in a confidential manner in order to protect the identity of such confidential informants and such records of the Police Department shall not be deemed to be public records for any purpose. (Prior code § 3950.6)

9.36.080 Authorization for payment of confidential information by Chief of Police (misdemeanor crimes).

The Chief of Police may, from time to time, offer rewards to a confidential informant and authorize the payment of a reward in an amount not to exceed one

hundred dollars (\$100.00) in any case in which a confidential informant provides information to the El Monte Police Department which the Chief of Police finds and determines to be of substantial evidentiary value in connection with a police investigation which leads to the arrest and conviction of one or more persons who have committed a misdemeanor crime or who are preparing for the commission of a misdemeanor crime within the city, including without limitation a crime of malicious vandalism or other misdemeanor crime against property; provided however, that the Chief of Police shall not authorize payments of an aggregate amount of more than two thousand five hundred dollars (\$2,500.00) of such rewards to confidential informants during any fiscal year of the city. The Chief of Police shall keep and maintain a record of accounts of such payments (identified as the "Police Department Misdemeanor Reward Account") and include in such record a brief written explanation of the basis on which the reward was paid. Such records shall be maintained in a confidential manner in order to protect the identity of such confidential informants and such records of the Police Department shall not be deemed to be public records for any purposes. (Prior code § 3950.7)

Chapter 9.40

DAY WORKERS

Sections:

- 9.40.010 Definitions.
- 9.40.020 Solicitation of and solicitation for employment on streets prohibited.
- 9.40.030 Solicitation of and solicitation for employment within private parking areas prohibited.
- 9.40.040 Violation—Penalty.

9.40.010 Definitions.

As used in this chapter:

“Day worker center” means that location which shall be designated by the City Council, operated for the purposes of facilitating solicitation of and the solicitation for temporary employment.

“Employment” means any offer for a consideration for labor, including part-time or temporary services, for wages or any other form of compensation.

“Private parking areas” means all privately owned property in the city comprising vehicle parking areas, including, but not limited to, driveways, walkways, setbacks, and landscaped areas.

“Solicit” or “hire” means any request, offer, announcement, endorsement or other action or gesture which induces another person to reasonably believe that his or her services are being sought or are made available for hire, whether or not an actual employment relationship is created.

“Streets” means all of the areas dedicated to public use for public street purposes and all uses appurtenant thereto, and shall include, but not limited to, roadways, parkways, medians, alleys, sidewalks, curb and other public ways.

“Vehicle” means a vehicle as defined in California Vehicle Code Section 670 as the same now reads or may hereafter be amended. (Ord. 2482 § 2 (part), 1998: Ord. 2481 § 2 (part), 1998: prior code § 4370)

9.40.020 Solicitation of and solicitation for employment on streets prohibited.

A. It is unlawful for any person, including, but not limited to persons offering to provide temporary services, and prospective employers of such persons, to engage in the solicitation of and the solicitation for employment on any street.

B. This section shall not apply to the day worker center designated as such by resolution of the City Council and conspicuously signed and posted in both English and Spanish language where solicitation of and solicitation for employment is permitted. (Ord. 2482 § 2 (part), 1998: Ord. 2481 § 2 (part), 1998: prior code § 4371)

cil and conspicuously signed and posted in both English and Spanish language where solicitation of and solicitation for employment is permitted. (Ord. 2482 § 2 (part), 1998: Ord. 2481 § 2 (part), 1998: prior code § 4371)

9.40.030 Solicitation of and solicitation for employment within private parking areas prohibited.

A. It is unlawful for any person, including, but not limited to persons offering to provide temporary services, and prospective employers of such persons, to engage in the solicitation of or the solicitation for employment on any private parking area.

B. This section shall not be operative unless the owner, the owner’s agent, or the person in lawful possession of a private parking area has caused signs to be permanently posted in a conspicuous place at each entrance to such private parking area, not less than eighteen (18) by twenty-four (24) inches in size with lettering not less than one inch in height, and not to exceed six (6) square feet in total sign face area. The content of such notice shall be in substantially the following form, in both English and Spanish languages:

IT IS A MISDEMEANOR TO ENGAGE IN THE SOLICITATION FOR EMPLOYMENT OTHER THAN TO PERFORM THE EMPLOYMENT ON OR FOR THE OWNER OR OCCUPANTS OF THE PREMISES.

(Ord. 2482 § 2 (part), 1998: Ord. 2481 § 2 (part), 1998: prior code § 4372)

9.40.040 Violation—Penalty.

Any person violating the provisions of this chapter shall be guilty of a misdemeanor and upon conviction, thereof, shall be punishable by a fine of up to one thousand dollars (\$1,000.00) or by imprisonment in the county jail for a term of up to six (6) months, or both such fine and imprisonment. Such person shall be deemed guilty of separate offenses for each and every day a violation of this chapter is committed by such person except at the designated day worker center. (Ord. 2482 § 2 (part), 1998: Ord. 2481 § 2 (part), 1998: prior code § 4373)

Chapter 9.44**REGULATION OF EPHEDRINE PURCHASES****Sections:**

9.44.010	Legislative purpose.
9.44.020	Definitions.
9.44.030	Limitations on sales.
9.44.040	Violation—Penalty.

9.44.010 Legislative purpose.

A. The City Council of the city finds that there is a current and immediate threat to the public health, safety and welfare in that the manufacture, processing, transportation, possession and sales of illicit narcotics and drugs are inherently dangerous and that chemicals, compounds, substances, byproducts and wastes which are associated with the manufacture of illicit narcotics and drugs are both dangerous and injurious to the health and welfare and safety of the citizens of El Monte.

B. The City Council of the city finds that there has been a dramatic increase of sales, reports of sales, thefts and possession of over-the-counter drugs which contain substances known as ephedrine, pseudoephedrine, pseudoephedrine hydrochloride, ephedrine hydrochloride, and pseudoephedrine sulfate along with other substances and products associated with the manufacture of methamphetamine and that retailers are regularly victimized by those persons who steal these substances, drugs and products on a regular basis.

C. The City Council of the city finds that the general public does not normally purchase the described products in multiple quantities and it is not the City Council's intent to restrain legitimate businesses or customers from selling or purchasing the described products.

D. No provision of this chapter shall hinder or supersede any other applicable state or federal statute. (Ord. 2491 § 1 (part), 1998: prior code § 4915)

9.44.020 Definitions.

The following definitions apply to this chapter:

"Count" means the number of pills, tablets, capsules, or individual units of a substance contained within an individual package, box or container.

"Customer" means any person who purchases or acquires the products described in this section, or persons who are present for the purchase or acquisition of the products described in this section.

"Ephedrine" means any drug, substance or compound, whether legal or illegal that contains ephedrine hydrochloride, pseudoephedrine sulfate, pseudoephedrine hydrochloride, pseudoephedrine or ephedrine.

"Retailer" means any single geographic location of any retail business, company, corporation, person, employee or associate who furnishes, distributes, sells, or gives away products described in this section.

"Sell" means to furnish, give away, exchange, transfer, deliver, surrender, or supply whether for monetary gain or not. (Ord. 2491 § 1 (part), 1998: prior code § 4916)

9.44.030 Limitations on sales.

A. No retailer shall sell to a single customer, more than two (2) packages of a product containing ephedrine in counts of twenty-four (24) or less per transaction, or more than one package per transaction if the count is in excess of twenty-four (24) per package, or if the total weight or the amount of ephedrine or pseudoephedrine contained in the packages exceed a weight of three thousand (3,000) milligrams or three (3) grams.

B. No customer shall purchase or acquire, more than two (2) packages of a product containing ephedrine in counts of twenty-four (24) or less per transaction, or more than one package per transaction if the count is in excess of twenty-four (24) per package, or if the total weight or the amount of ephedrine or pseudoephedrine contained in the packages exceed a weight of three thousand (3,000) milligrams or three (3) grams. (Ord. 2491 § 1 (part), 1998: prior code § 4917)

9.44.040 Violation—Penalty.

Any person, customer, or retailer violating any of the provisions of this chapter is deemed guilty of a misdemeanor and upon conviction thereof shall be punished by a fine not exceeding one thousand dollars (\$1,000.00), or imprisonment for a term not exceeding six (6) months, or by both such fine and imprisonment. (Ord. 2491 § 1 (part), 1998: prior code § 4918)

Chapter 9.48**CAMPING****Sections:**

- | | |
|-----------------|---|
| 9.48.010 | Definitions. |
| 9.48.020 | Unlawful camping. |
| 9.48.030 | Storage of personal property in public places. |

9.48.010 Definitions.

Unless the particular provisions or the context requires otherwise, the definitions contained in this section shall govern the construction, meaning and applications of words and phrases used in this chapter.

"Camp" means to pitch or occupy camp facilities; to use camp paraphernalia.

"Camp facilities" include, but are not limited to, tents, huts or temporary shelters.

"Camp paraphernalia" includes, but is not limited to, tarpaulins, cots, beds, sleeping bags, hammocks or non-city designated cooking facilities and similar equipment.

"Park" means the land owned by the city or other governmental entity and dedicated for use as a park.

"Store" means to put aside or accumulate for use when needed; to put aside for safekeeping, to place or leave in a location.

"Street" means a street as defined in Vehicle Code Section 590. (Ord. 2515 § 1 (part), 2000: prior code § 4209.1)

9.48.020 Unlawful camping.

It is unlawful for any person to camp, occupy camp facilities or use camp paraphernalia in the following areas except as otherwise provided:

- A. Any street;
- B. Any public parking lot;
- C. Any park;
- D. Any public area, improved or unimproved.

(Ord. 2515 § 1 (part), 2000: prior code § 4209.2)

9.48.030 Storage of personal property in public places.

It is unlawful for any person to store personal property, including camp facilities and camp paraphernalia, in the following areas, except as otherwise provided by the City Council:

- A. Any park;
- B. Any street;
- C. Any public parking lots;
- D. Any public area improved or unimproved.

(Ord. 2515 § 1 (part), 2000: prior code § 4209.3)

Chapter 9.52

PROXIMITY OF REGISTERED SEX OFFENDERS TO CHILDREN'S FACILITIES

Sections:

9.52.010	Definitions.
9.52.020	Prohibitions.
9.52.030	Exceptions.
9.52.040	Enforcement.

9.52.010 Definitions.

As used in this chapter:

"Arcade" shall have the meaning ascribed by El Monte Municipal Code Section 17.04.020.

"Child" or "children" means any person under the age of eighteen (18) years of age.

"Child care and development facility" shall have the meaning ascribed by California Education Code Section 8208.

"Loitering" means remaining or wandering in a public or private place for the apparent purpose of observing any minor or minors, or with the apparent purpose or intent of engaging or soliciting any person to engage in any sexual act of any kind, or after having been told to leave by the owner or any authorized official of such place or facility.

"Park and recreation facilities" means the land owned by the city or other government entity and dedicated for use as a park.

"Playground" means any park or recreational area specifically designed to be used by children that has play equipment installed, or any similar facility located on city park grounds.

"Sex offender" means an individual who is currently required by law to register with a governmental entity as a sex offender. (Ord. 2680 § 1 (part), 2006)

9.52.020 Prohibitions.

Any sex offender is prohibited from loitering on or within three hundred (300) feet of a public or private school for children, a child care and development facility, a park or recreation facility, playground or arcade. (Ord. 2680 § 1 (part), 2006)

9.52.030 Exceptions.

A. Notwithstanding Section 9.52.020, this chapter shall not apply to restrict incidental proximity not amounting to loitering as defined by Section 9.52.010.

B. This chapter does not restrict access to public parks for the purpose of exercising the constitutional rights of free expression and assembly, so long as such

activity does not amount to loitering as defined in Section 9.52.010.

C. This chapter does not apply to restrict a sex offender's place of residence when regulated by state law. (Ord. 2680 § 1 (part), 2006)

9.52.040 Enforcement.

Any person who violates this chapter is guilty of a misdemeanor. Each offense shall be punished by a fine not less than twenty-five dollars (\$25.00) or more than one thousand dollars (\$1,000.00) or by imprisonment in the county jail for a term not exceeding six (6) months or by both such fine and imprisonment. A person is guilty of a separate offense for each and every day during which a violation occurs. (Ord. 2680 § 1 (part), 2006)

Chapter 9.54

PROHIBITION OF LOITERING FOR THE PURPOSE OF SOLICITING ACTS OF PROSTITUTION

Sections:

- | | |
|-----------------|--|
| 9.54.010 | Definitions. |
| 9.54.020 | Loitering for the purpose of soliciting acts of prostitution. |
| 9.54.030 | Violation—Penalty. |

9.54.010 Definitions.

For purpose of this chapter, the following definitions shall apply:

“Act of prostitution” means to engage in sexual relations or any lewd act between persons for hire or monetary reward, but does not include sexual conduct engaged in as a part of any legitimate stage performance, play, or other legal entertainment open to the public.

“Beckoning” means stopping or attempting to stop passersby, bicyclists or motor vehicles of any kind by an act of calling out, hailing, signaling, waving the arms or other bodily gestures.

“Known prostitute, pimp or panderer” means a person who, within five (5) years prior to the date of his or her arrest for violation of this chapter, has within the knowledge of the arresting officer been convicted in any court of the state of California of any offense relating to or involving prostitution, pimping or pandering as defined in the Penal Code of the state of California or the El Monte Municipal Code.

“Lewd act” means conduct where the genitals, buttocks, or breast (male and/or female, natural and/or artificial) of either the prostitute or the customer come in contact with some part of the body of the other person for purpose of sexual arousal or gratification of either the prostitute or the customer. For purposes of this chapter, contact with the genitals, buttocks or breast (male and/or female, natural and/or artificial) includes contact through the clothing of either or both parties’ as well as skin-to-skin contact.

“Loiter” means to delay or linger without a lawful purpose for being on the property and for the purpose of committing a crime as opportunity may be discovered.

“Place open to public view” means any area generally visible to the public, including all public property as well as private property, whether generally open to the public or not, which is generally visible from any area which is open to the public, including but not limited to vacant lots, front yards and driveways of private property and motor vehicles (whether in motion or not). This definition shall

apply during all hours of the day and night, regardless of lighting conditions or inclement weather.

“Public place” means any area generally visible to the public, including without limitation streets, sidewalks, parkways, bridges, alleys, parks, plazas, driveways, parking lots, and buildings open to the public, including those which serve food or drink or provide entertainment, and the driveways, doorways and entrances to buildings or dwellings and the ground enclosing them.

“Solicit” means to ask with earnestness, to excite to action, to appeal to, or to invite. (Ord. 2711 § 1 (part), 2007)

9.54.020 Loitering for the purpose of soliciting acts of prostitution.

A. It is unlawful for any person to loiter in, or about any public place or place open to public view in a manner and under circumstances which openly displays the purpose of inducing, enticing, soliciting, or procuring another person to engage in acts of prostitution.

B. Circumstances to be Considered. No arrest shall be made for a violation of this chapter unless the arresting officer first affords such person an opportunity to explain such conduct, and no one shall be convicted of violating this chapter if it appears that the explanation given was true and disclosed a lawful purpose. Among the circumstances that may be considered in determining whether a person has violated this chapter based upon the knowledge and personal observations of the arresting officer, are the following:

1. The person is a known prostitute, pimp or panderer;
2. The person repeatedly engages in the act of beckoning or behaves in a manner as to raise reasonable suspicion that he or she is seeking to engage in, is about to engage in, or is engaged in soliciting an act of prostitution. The wearing of distinctive clothing is one of the factors which can be considered in determining that there is reasonable suspicion of the intent to engage in solicitation of an act of prostitution;
3. The person repeatedly stops or attempts to stop motor vehicles by hailing the drivers, waving arms, or making any other bodily gestures, or engages or attempts to engage the drivers or passengers of the motor vehicles in conversation, indicative of soliciting for prostitution;
4. The person is in the company of, or inside or near a vehicle registered to, a known prostitute, pimp, or panderer or a person known to the arresting officer to have been convicted within the last two years of soliciting an act of prostitution;

5. The person is currently subject to an order of a court or probation officer prohibiting the person from being in an area of high prostitution activity, or prohibiting the person from being in the company of known prostitutes, pimps, or panderers;

6. The person has previously been convicted of violating this chapter;

7. The person attempts to evade officers or to conceal himself or herself from the observation of the arresting officer.

C. The list of circumstances set forth in subsection B is not exclusive. The circumstances set forth in subsection B should be considered particularly salient if they occur in an area that is known for high prostitution activity. Any other relevant circumstances may be considered in determining whether a person has the requisite intent. (Ord. 2711 § 1 (part), 2007)

9.54.030 Violation—Penalty.

A. A violation of this chapter is a misdemeanor, punishable in accordance with the provisions of Section 1.24.010(A) of this code.

B. A violation of this chapter shall be deemed to constitute a public nuisance and all remedies provided under this code or the laws of the state of California for the abatement of, or prosecution for, public nuisances shall be available to the city. (Ord. 2711 § 1 (part), 2007)

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Title 10

VEHICLES AND TRAFFIC

Chapters:

- 10.04 Uniform Traffic Ordinance Adopted**
- 10.08 Speed Limits**
- 10.12 Truck Routes**
- 10.16 Stopping, Standing and Parking Generally**
- 10.20 Parking for Handicapped Persons**
- 10.24 Miscellaneous Traffic Regulations**
- 10.28 Bicycles**
- 10.32 Skateboards and Similar Devices**
- 10.36 Vehicular Cruising**

- Appendix Uniform Traffic Ordinance**

Chapter 10.04**UNIFORM TRAFFIC ORDINANCE ADOPTED****Sections:**

10.04.010	Adoption of Uniform Traffic Ordinance.
10.04.020	Deletions.
10.04.030	Amendments.
10.04.040	Additions.

10.04.010 Adoption of Uniform Traffic Ordinance.

With the exception of the deletions in Section 10.04.020, and as amended in Section 10.04.030, there is adopted by reference the following code for the city, in Section 10.04.030: The Uniform Traffic Ordinance, 1964 Edition, adopted and published by the League of California Cities, and all of the provisions of said Uniform Traffic Ordinance, 1964 Edition, adopted and published by the League of California Cities, except Sections 1.11, 2.7, 2.8, 10.11, 11.1, 11.8, all of Article XIII consisting of Sections 13 through 13.4, all of Article XIV consisting of Sections 14 through 14.12, and Sections 16, 16.1 and 16.2, are incorporated herein, and is adopted as the traffic ordinance of the city of El Monte. Three (3) copies of said Uniform Traffic Ordinance, 1964 Edition, are on file in the office of the City Clerk of the city for use and examination by the public and attached as an appendix to the end of this chapter. (Amended during 1999 recodification; prior code § 3200)

10.04.020 Deletions.

Sections 1.11, 2.7, 2.8, 10.11, 11.1, 11.8 all of Article XIII consisting of Sections 13 through 13.4 all of Article XIV consisting of Sections 14 through 14.12, and Sections 16, 16.1 and 16.2 of the Uniform Traffic Ordinance, as adopted by Section 10.04.010, are deleted therefrom and repealed. (Prior code § 3201)

10.04.030 Amendments.

The Uniform Traffic Ordinance, as adopted by Section 10.04.010, is amended as follows:

Section 1.2. Central Traffic District. All streets and portions of streets within the area described as follows: Area bounded by Valley Boulevard on the North, Ramona Boulevard on the South, and Santa Anita Avenue on the West.

Section 1.4. Council. The Council of the City of El Monte.

Section 1.7. Holidays. Within the meaning of this Chapter, holidays are the first day of January, the third Monday in February, the last Monday in May, the fourth day of July, the first Monday in September, the ninth day of September, the twenty-fifth day of December, and Thanksgiving Day. If the first day of January, the fourth day of July, the ninth day of September or the twenty-fifth day of December falls upon a Sunday, the Monday following is a holiday. If it falls upon a Saturday, the Friday preceding is a holiday.

Section 2.4. Traffic Division to Submit Annual Traffic Safety Report. The traffic division shall annually prepare a traffic report which shall be filed with the City Council. Such a report shall contain information on traffic matters in this City as follows:

1. The number of traffic accidents, the number of persons killed, the number of persons injured, and other pertinent traffic accident data;
2. The plans and recommendations of the division for future traffic safety activities.

Section 2.5. City Traffic Engineer. The office of City Traffic Engineer is hereby established. The City Engineer shall ex-officio be the City Traffic Engineer and he shall exercise the powers and duties as provided in this Ordinance and in the traffic ordinance of the City. Whenever the City Traffic Engineer is required or authorized to place or maintain official traffic control devices or signals, he or she may cause such devices or signals to be placed or maintained.

Section 3.8. When Vehicles May Be Removed From Public Property. Any regularly employed and salaried officer of the El Monte Police Department or any Parking Control Officer of the City may remove or cause to be removed:

- (a) Any vehicle that has been parked or left standing upon a street or highway for 72 or more consecutive hours.
- (b) Any vehicle which is parked or left standing upon a street or highway between the hours of 7:00 a.m. and 7:00 p.m. when such parking or standing is

prohibited by ordinance or resolution of this City and signs are posted giving notice of such removal.

(c) Any vehicle which is parked or left standing upon a street or highway where the use of such street or highway or a portion thereof is necessary for the cleaning, repair or construction of the street or highway or for the installation of underground utilities or where the use of the street or highway or any portion thereof is authorized for a purpose other than the normal flow of traffic or where the use of the street or highway or any portion thereof is necessary for the movement of equipment, articles or structures of unusual size, and the parking of such vehicle would prohibit or interfere with such use or movement; provided that signs giving notice that such vehicle may be removed are erected or placed at least twenty-four (24) hours prior to the removal.

(d) Any vehicle that has been parked or left standing contrary to the provisions of this title upon any streets specified in Section 10.12.010 of this Title when signs are posted giving notice of such removal.

(e) Any vehicle that has been parked or left standing in a fire lane or access road way for fire apparatus in violation of Section 10.16.060 of this Title or Section 22500.1 of the California Vehicle Code when such fire lane or access roadway is posted with signs or other distinctive markings giving notice of such removal.

(f) Any vehicle that has been parked or left standing upon a City-owned parking facility in violation of this Title when signs are posted on the parking facility giving notice of such removal.

(g) No person shall park any vehicle between the hours of 3:00 a.m. and 5:00 a.m. on any day on or in any parking lot or facility owned by the city of El Monte. Violators will be subject to a fine and the vehicle may be towed away at the vehicle owner's expense. The City of El Monte shall post "No Parking" signs in the areas subject to this subsection.

Section 10.5. Displaying Vehicle For Sale. No person shall place or park a vehicle on any public street which bears more than one sign advertising that the vehicle is for sale. No sign permitted by this Section shall be larger than twelve (12) inches by twenty (20) inches in size nor shall any such sign be placed on the exterior

of the vehicle. No person shall place or park a vehicle on any public street on which the words "For Sale" or similar words advertising that such vehicle is for sale or painted on the windows or exterior body of the vehicle.

Section 10.5(b). Displaying Vehicle For Sale.

A. No person shall place or park a vehicle on any public or private parking lot or any private property for the purpose of displaying such vehicle thereon for sale, lease, hire, or rental unless the property is duly licensed, permitted, and zoned by the city to transact that type of business at that location.

B. Subsection A shall not apply to residentially zoned private property if the registered owner of the vehicle displayed for sale thereon lawfully resides at the residence where the vehicle is parked provided that the vehicle is in compliance with all other laws and regulations and that no more than one vehicle shall be displayed for sale thereon at any one time.

C. Any vehicle remaining displayed in violation of subsections A or B of this section for five (5) consecutive twenty-four (24) hour periods or longer is declared to be a public nuisance under Chapter 8.44 of this Code and shall be abated under the provisions of Chapter 8.44 of this Code.

Section 10.6. Repairing or Greasing Vehicles. No person shall construct or caused to be constructed, repair or cause to be repaired, grease or cause to be greased, dismantle or cause to be dismantled any vehicle or any part thereof upon any public street and/or public property in the City of El Monte. Temporary emergency repairs may be made upon a public street and/or public property.

Section 11. Twenty Minute Parking. Green curb marking shall mean no standing or parking for a period of time longer than twenty (20) minutes at any time between 8:00 a.m. and 6:00 p.m. of any day except Sundays and holidays.

When authorized signs or curb markings have been determined by the city Traffic Engineer to be necessary and are in place giving notice thereof, no operator of any vehicle shall stop, stand or park said vehicle adjacent to any such legible curb marking or sign in violation thereof.

Section 11.2. One Hour Parking. When authorized signs, parking meters or curb markings have been determined by the City Traffic Engineer to be necessary and are in place giving notice thereof, no operator of any vehicle shall stop, stand or park said vehicle between the hours of 8:00 a.m. and 6:00 p.m. of any day except Sunday and holidays for a period of time longer than one hour.

Section 11.3. Two Hour Parking. The Community Development Director or his designee is hereby authorized to maintain by appropriate signs all two-hour parking zones and to designate the days of the week and times of the day that the two-hour parking restriction is applicable. When said signs are in place no operator of any vehicle shall stop stand or park such vehicle for more than two hours during the period indicated in the signs.

Section 12.1, subsection (a), part 3 of the Uniform Traffic Ordinance is amended by the addition thereto of subpart "c" to read as follows:

c. When such is located at or in a recreational facility as defined in Section 12.48.020 of the El Monte Municipal Code.

(Ord. 2578 § 1, 2002; Ord. 2577 § 1, 2002; Ord. 2535 § 1, 2001; amended during 1999 recodification; prior code §§ 3202—3202.7)

10.04.040 Additions.

The Uniform Traffic Ordinance, as adopted by Section 10.04.010, is amended by the additions as follows:

Section 3.9. Notices of Violations. Any full-time regular employee of the El Monte Police Department or any Parking Control Officer of the City, when authorized so to do by the Chief of Police pursuant to the authority of Section 836.5 of the Penal Code of the State of California, may issue notices of violation pursuant to the procedures set forth in Section 41103 of the Vehicle Code of the State of California.

Section 10.14. Parking of Trailers or Semi-trailers. No person shall park any trailer or semi-trailer upon any highway, street, alley, public way or public place unless the trailer or semi-trailer is at all times while so park attached to a vehicle capable of moving the trailer or semi-trailer in a normal manner upon the highway, street, alley, public way or public place.

This section shall not apply to trailers or semi-trailers while in the process of being loaded or unloaded, nor shall it apply to any trailer or semi-trailer which is disabled in such a manner and to such an extent that it is impossible to void stopping and temporarily leaving the disabled trailer or semi-trailer on that portion of the highway, street, alley, public way or public place ordinarily used for vehicular parking.

Section 9.2. When Pedestrians Cannot Cross City Streets. No pedestrian shall cross a roadway other than by a crosswalk when there are signs posted prohibiting pedestrian crossing.

(Ord. 2519 § 1, 2000; amended during 1999 recodification; prior code §§ 3203—3203.2)

Chapter 10.08

SPEED LIMITS

Sections:

10.08.010 Prima facie speed limits.

10.08.010 Prima facie speed limits.

Pursuant to and in accordance with the provisions of Section 22357 of the Vehicle Code, the City Council does determine and declare prima facie speed limits for vehicles as specified in the following subsections.

Aerojet Avenue. A prima facie speed limit of thirty-five (35) miles per hour is established upon Aerojet Avenue between Telstar Avenue and Flair Drive.

Arden Drive. A prima facie speed limit of thirty-five (35) miles per hour is established upon all of Arden Drive in the city.

Asher Street. A prima facie speed limit of thirty (30) miles per hour is established upon Asher Street between Santa Anita Avenue and Peck Road.

Baldwin Avenue. A prima facie speed limit of forty (40) miles per hour is established upon all of Baldwin Avenue in the city.

Durfee Avenue. A prima facie speed limit of thirty-five (35) miles per hour is established upon that portion of Durfee Avenue in the city situated between Exline Street and Ramona Boulevard and that portion situated between Valley Boulevard and the southerly boundary of the city.

Exline Street. A prima facie speed limit of thirty (30) miles per hour is established upon Exline Street between La Madera Avenue and Gilman Road.

Fletcher Avenue. A prima facie speed limit of thirty-five (35) miles per hour is established upon Fletcher Avenue between Telstar Avenue and Flair Drive.

Garvey Avenue. A prima facie speed limit of thirty-five (35) miles per hour is established upon all of Garvey Avenue in the city.

Loftus Street. A prima facie speed limit of thirty-five (35) miles per hour is established on that portion of Loftus Street in the city between Baldwin Avenue and the westerly city limits.

Lower Azusa Road. A prima facie speed limit of thirty-five (35) miles per hour is established upon all of Lower Azusa Road in the city.

Merced Avenue. A prima facie speed limit of thirty-five (35) miles per hour is established upon that portion of Merced Avenue in the city situated Southerly of Garvey Avenue.

Peck Road. A prima facie speed limit of thirty-five (35) miles per hour is established upon all of Peck Road in the city.

Ramona Boulevard. A prima facie speed limit of thirty-five (35) miles per hour is established upon Ramona Boulevard between the intersection of Valley Boulevard and Ramona Boulevard and the intersection of the easterly municipal boundary and Ramona Boulevard.

Rio Hondo Avenue. A prima facie speed limit of thirty-five (35) miles per hour is established upon Rio Hondo Avenue between Telstar Avenue and Flair Drive.

Santa Anita Avenue. A prima facie speed limit of thirty-five (35) miles per hour is established on all of Santa Anita Avenue within the city.

Santa Anita Avenue Between Lower Azusa Road and Valley Boulevard. Notwithstanding the provisions of "Santa Anita Avenue" in this section, a prima facie speed limit of forty (40) miles per hour is established upon Santa Anita Avenue between Lower Azusa Road and Valley Boulevard.

Telstar Avenue. A prima facie speed limit of thirty-five (35) miles per hour is established on that portion of Telstar Avenue in the city between Flair Drive and Rio Hondo.

Tyler Avenue. A prima facie speed limit of thirty-five (35) miles per hour is established upon Tyler Avenue between Garvey Avenue and the southerly city limits.

Valley Boulevard. A prima facie speed limit of thirty-five (35) miles per hour is established upon all of Valley Boulevard in the city.

Valley Mall. A prima facie speed limit of fifteen (15) miles per hour is established upon the Valley Mall between Santa Anita Avenue and Ramona Boulevard. (Prior code §§ 3227—3227.12)

Chapter 10.12

TRUCK ROUTES

Sections:

- 10.12.010 **Truck traffic routes.**
 10.12.020 **Weight and parking limit, removal and impounding.**

10.12.010 **Truck traffic routes.**

The streets and parts of streets within the city specified in the following subsections are declared to be truck routes for use by commercial vehicles weighing more than six thousand (6,000) pounds, laden or unladen, and the Director of Public Works is authorized and directed to so designate said streets and parts of streets by appropriate signs at each end of the streets or portions of the streets described in the following subsections, and at such other locations as he or she may deem necessary or advisable in order to give adequate notice specifying such streets or portions of streets as truck routes:

That portion of Durfee Avenue from the southerly city limits of the City of El Monte to Garvey Avenue;

Lower Azusa Road from the easterly boundary of the city to the westerly boundary of the city;

That portion of Meeker Road from Valley Boulevard to Peck Road;

All of Tyler Avenue within the city;

All of Santa Anita Avenue within the city;

That portion of Arden Drive from Valley Boulevard to Lower Azusa Road;

Baldwin Avenue from Lower Azusa Road to the San Bernardino Freeway;

Rosemead Boulevard Service Road from Flair Drive southerly to its southerly terminus;

That portion of Garvey Avenue from the westerly boundary of the city to the San Bernardino Freeway;

That portion of Asher Street from Santa Anita Avenue to Peck Road;

San Bernardino Freeway from Rosemead Boulevard to the easterly boundary of the city;

That portion of Brockway Street from Santa Anita Avenue to Meeker Road;

Ramona Boulevard from Santa Anita Avenue to Valley Boulevard;

That portion of Ramona Boulevard from Valley Boulevard to the San Gabriel River;

All of Valley Boulevard within the city;

That portion of Whitmore Street from Rosemead Boulevard to the Rio Hondo Channel;

Flair Drive from Rosemead Boulevard Service Road to Baldwin Avenue;

Peck Road from the northerly boundary of the city to the southerly boundary of the city. (Prior code §§ 3229—3229.22)

10.12.020 **Weight and parking limit, removal and impounding.**

A. When the truck traffic routes thus established are designated by appropriate signs, no person shall drive or operate any commercial vehicle or any vehicle exceeding a maximum gross weight limit of five (5) tons on any street other than upon the streets or portions of streets thus established as truck traffic routes; provided further that no person shall park or leave standing any vehicle having a maximum width in excess of eighty (80) inches upon any street, improved or unimproved parkway, or other improved or unimproved property dedicated to public use, or portion thereof for a period of time exceeding four (4) hours and any vehicle including but not limited to detached truck trailers found in violation of this section shall be removed from the public street, improved or unimproved property dedicated to a public use and impounded until such time as they are claimed by the registered owner or his designated representative. Said cost of removal and impounding shall be borne by the registered owner.

B. Exception. The provisions of subsection A of this section shall not prohibit any commercial vehicles coming from an unrestricted street having ingress and egress by direct route to and from such restricted streets when necessary for the purpose of making pickups or deliveries of goods, wares or merchandise from or to any building or structure located on such restricted streets or for the purpose of delivering materials to be used in the usual and bona fide repair, alteration, remodeling or construction of any building or structure upon such restricted street for which a building permit has previously been issued therefor.

C. Exception. The provisions of subsection A of this section shall not apply to:

1. Passenger buses under the jurisdiction of the Public Utilities Commission of the state;
2. Public and private school buses;
3. Any vehicle used by a municipality, public agency or public utility while necessarily in use in the construction, installation or repair of any public utility or public way;
4. Emergency vehicles;
5. Totally unladen panel or pickup type of commercial vehicles of a rated capacity of less than one and one-half tons when used for the personal transportation of the operator thereof;

10.12.020

6. House cars as defined in Section 362 of the California Vehicle Code and passenger vehicles as defined in Section 465 of the California Vehicle Code. (Prior code §§ 3230—3230.2)

Chapter 10.16

STOPPING, STANDING AND PARKING GENERALLY

Sections:

- 10.16.010** **Penalty schedule.**
- 10.16.020** **Public street sweeping—No parking hours.**
- 10.16.030** **Vehicle storage in streets.**
- 10.16.040** **Application of Vehicle Code Section 22651.9 to certain violations of Section 10.04.030 (Section 10.5) occurring within the preceding thirty days.**
- 10.16.050** **Unregistered vehicles restricted.**
- 10.16.060** **No parking in fire lanes.**
- 10.16.070** **Parking vehicles for sale of merchandise.**
- 10.16.080** **Parking in designated space.**

10.16.010 **Penalty schedule.**

The City Council shall established and approved from time-to-time a schedule of civil fines and penalties (the "penalty schedule") associated with violations of motor vehicle parking regulations as enforced by the city on any public street or public place, designated fire lane or on private property which has been posted in accordance with applicable law. The registered owner of a motor vehicle as issued a citation for a violation of a motor vehicle parking regulations shall pay the applicable fine or penalty amount in cash to the City Treasurer within fifteen (15) days following the issuance date of the citation. A notice of delinquency shall be mailed to the registered owner if the applicable fine or penalty amount has not been timely deposited and an administrative fee of five dollars (\$5.00) shall be added to the fine or penalty as initially imposed. In the event that the registered owner of the motor vehicle as issued a citation may fail to deposit the appropriate fine or penalty and administrative fee with the City Treasurer within fifteen (15) calendar days following the mailing of the notice of delinquency, an additional late penalty assessment of twenty dollars (\$20.00) and a Department of Motor Vehicles hold charge of three dollars (\$3.00) shall be added to the fine or penalty and administrative fee. (Prior code § 3200.2)

10.16.020 **Public street sweeping—No parking hours.**

No person shall park or leave standing any motor vehicle on any public street during the hours of five a.m. to

seven a.m.; seven a.m. to twelve noon or between the hours of twelve noon and five p.m. on Monday, Tuesday, Wednesday, Thursday and Friday, as applicable, where public street parking regulation signs are posted giving notice of such parking restrictions. The civil fine or penalty for violation of this section is twenty-five dollars (\$25.00) plus the sum of five dollars (\$5.00) as authorized under AR 2142 (Statutes of 1992, Chapter 1168).

A. On Tuesdays between the hours of nine a.m. and one p.m. on the north side of Klingerman Avenue between Peck Road and Tyler Avenue, on the east side of Haber Avenue between Klingerman Avenue and Bonwood Road, and on the north side of Bonwood Road between its east end west of Peck Road/Mountain View Road and its west end east of Tyler Avenue.

B. On Wednesdays between the hours of nine a.m. and one p.m. on the south side of Klingerman Avenue between Peck Road and Tyler Avenue, on the west side of Haber Avenue between Klingerman Avenue and Bonwood Road, and on the south side of Bonwood Road between its east end west of Peck Road/Mountain View Road and its west end east of Tyler Avenue. (Ord. 2701 § 6, 2007; prior code §§ 3204—3204.2)

10.16.030 **Vehicle storage in streets.**

No person engaged in the business of vehicle repair, sales, renting, leasing or other vehicle related business shall place or park on any public street any vehicle which such person or business possesses for purposes of repair, sale, rent, lease or other vehicle related business purpose. (Prior code § 3205)

10.16.040 **Application of Vehicle Code Section 22651.9 to certain violations of Section 10.04.030 (Section 10.5) occurring within the preceding thirty days.**

A. The provisions of Vehicle Code Section 22651.9 are declared to be applicable as provided in this section to the enforcement of Section 10.04.030 (Section 10.5) by any other employee of the city who is engaged in directing traffic or enforcing parking laws and regulations of the city. The removal of a vehicle from a public street or from public lands as authorized by this section is cumulative with the civil fine imposed for a violation of Section 10.04.030 (Section 10.5).

B. All public streets and all public lands in the city are subject to the application of Vehicle Code Section 22651.9 and this section.

C. No vehicle may be removed from any public street or from any public lands identified in subsection B

of this section for a violation of Section 10.04.030 (Section 10.5) unless all of the conditions precedent for the removal of such a vehicle as provided under Vehicle Code Section 22651.9(a)(1)—(3) have first been satisfied.

D. A notice of the storage of each vehicle removed from any public street or public lands shall be mailed or personally delivered to the registered owner and to the legal owner of the vehicle within forty-eight (48) hours, excluding weekends and holidays, following its removal, and such notice shall also include all of the other information required by Vehicle Code Section 22852.

E. The Hearing Officer of the city designated to consider appeals or exceptions to the issuance of vehicle parking civil citations under the program established pursuant to Vehicle Code Section 40200, et seq., shall serve as the Hearing Officer to conduct the “post storage” hearing as may be required in a particular case, in accordance with Vehicle Code Section 22852 for any vehicle which is removed from a public street or public lands under this section. (Prior code § 3205.5)

10.16.050 Unregistered vehicles restricted.

No person shall park or leave standing upon any public street any vehicle which does not display evidence of current vehicle registration issued by the California Department of Motor Vehicles in lieu of license plates pursuant to Section 5205 of the Vehicle Code. (Prior code § 3206)

10.16.060 No parking in fire lanes.

A. No person shall park or leave standing any vehicle or material of any kind in or on a fire lane or access roadway for fire apparatus where such fire lane or access roadway is designated or distinctively marked as such pursuant to Section 10.207 of the Uniform Fire Code or Section 22500.1 of the California Vehicle Code.

B. Fire Lanes on Private Property. Where the Fire Chief recommends and the City Council designates a fire lane or access roadway for fire apparatus as such on private property pursuant to Section 10.207 of the Uniform Fire Code or Section 22500.1 of the California Vehicle Code, the owner, tenant, and/or other person or persons charged with responsibility for or control of such private property shall install and maintain signs and/or other markings thereon designating the fire lane or access roadway as such as directed by the Fire Chief in accordance with the standards set forth in Section 10.207 of the Uniform Fire Code and/or Section 22500.1 of the California Vehicle Code. (Prior code §§ 3219, 3219.1)

10.16.070 Parking vehicles for sale of merchandise.

No person shall park any vehicle upon any street from which such vehicle any merchandise is sold, except as licensed under Title 5 of this code. (Prior code § 3220)

10.16.080 Parking in designated space.

A. No person shall stop, stand, or park any vehicle in a marked parking space posted for the use by designated city employees, unless authorized to do so by the City Manager or his or her designee.

B. No person shall occupy, block, or otherwise impede access to a marked parking space posted for the use by designated city employees, unless authorized to do so by the City Manager or his or her designee.

C. The provisions of this section shall apply to all marked parking spaces posted for the use by designated city employees that are located on land owned, leased, used, or operated by the city, including public highways, city-owned off-street parking facilities, and privately owned off-street parking facilities where specific parking spaces have been set aside by the property owner, or the owner’s agent, for the exclusive use by designated city employees.

D. For the purposes of this section, the term “designated city employees” shall include all full-time and part-time employees of the city, all active volunteers working for the city, all elected officials of the city, and all public or private contractors working for the city, that are authorized by the City Manager or his or her designee to park a vehicle in a designated parking space.

E. Only the City Manager or his or her designee shall have the authority to designate and mark a parking space for the use by designated city employees. (Ord. 2664 § 1, 2006)

Chapter 10.20

PARKING FOR HANDICAPPED PERSONS

Sections:

- 10.20.010 **Street parking.**
- 10.20.020 **Off-street parking.**
- 10.20.030 **Removal of vehicles.**
- 10.20.040 **Violation an infraction.**

10.20.010 **Street parking.**

The Director of Public Services may recommend to the City Council and the City Council shall indicate by resolution which street parking spaces shall be designated for the exclusive use of physically handicapped persons whose vehicles display a distinguishing license plate or placard issued pursuant to Vehicle Code Section 9105 or 22511.5. Whenever the City Council so designates a parking space, it shall be marked by blue paint on the curb or edge of the paved portion of the street adjacent to the space. In addition to the blue paint, the space may also be marked by signs or other suitable means. (Prior code § 3300)

10.20.020 **Off-street parking.**

Any person or public agency owning or operating an off-street parking facility may designate stalls or spaces in such facility for the exclusive use of physically handicapped persons whose vehicles display a distinguishing license plate or placard issued pursuant to Vehicle Code Section 9105 or 22511.5. Such designation shall be made by posting immediately adjacent to and visible from each stall or space a sign consisting of a profile view of a wheelchair with occupant in white on a blue background or the space is outlined in blue marking and there is on the ground in the space a similar profile view depicting a wheelchair with occupant. (Prior code § 3301)

10.20.030 **Removal of vehicles.**

The owner, person, or public agency in lawful possession of an off-street parking facility, after notifying the El Monte Police Department or El Monte Parking Control Authority with regard to any off-street parking facility it owns or operates may cause the removal from a stall or space designated for physically handicapped persons in such facility to the nearest public garage of any vehicle not displaying one of the distinguishing license plates or placards issued pursuant to Vehicle Code Section 9105 or 22511.5 if there is posted immediately adjacent to and visible from such stall or space a sign which clearly and conspicuously states the following: "Unauthorized vehicles not displaying distinguishing license plates or plac-

ards issued to physically handicapped persons will be towed away at owner's expense. Information concerning towed vehicles may be obtained by telephoning the El Monte Police Department or the Parking Control Authority — 575-2111 or 575-2231." The sign shall also make reference to this section as follows: "10.20.040 EMMC." (Prior code § 3302)

10.20.040 **Violation an infraction.**

It is unlawful and punishable as an infraction for the operator of any vehicle not displaying a distinguishing license plate or placard issued to disabled persons pursuant to Vehicle Code Section 22511.5 or to disabled veterans pursuant to Vehicle Code Section 9105 to stop, stand, park or to leave standing such vehicle in any parking space properly designated for the exclusive use of physically handicapped persons pursuant to this chapter. (Prior code § 3303)

Chapter 10.24**MISCELLANEOUS TRAFFIC REGULATIONS****Sections:**

- 10.24.010 Operation of motorized vehicles.**
- 10.24.020 Parking on public or private property.**
- 10.24.030 Certain alley closed.**
- 10.24.040 Riding on handlebars prohibited.**
- 10.24.050 Speed—Trains.**

10.24.010 Operation of motorized vehicles.

No person shall drive or operate any type of motorized vehicle, as defined by Section 415 of the California Vehicle Code, upon public or private property unless such person has obtained and has in his or her possession the Written permission to operate a motorized vehicle thereon signed by the owner or person in lawful possession of such public or private property. The provisions of this section shall not apply to any of the following:

- A. An emergency vehicle;
- B. A commercial vehicle while operated in the conduct of usual business;
- C. A motorized vehicle being operated on property devoted to the parking or operation of motorized vehicles where the general public is either expressly or impliedly invited to use such property for such purpose;
- D. A motorized vehicle operated on property developed and actually used for residential purposes and where such vehicle is operated thereon with the express or implied invitation of the owner or person in lawful possession thereof;
- E. A motorized vehicle operated on a public street, as defined by Sections 590 and 591 of the California Vehicle Code;
- F. A motorized vehicle operated on a private road regulated pursuant to Section 21107 or Section 21108 of the California Vehicle Code. (Prior code § 3220.1)

10.24.020 Parking on public or private property.

No person shall deposit, park, or leave any vehicle or material of any kind in or on a private driveway or on private property, or in or on any public property other than in or on a public street or alley or public parking lot in accordance with the provisions of this chapter without the express or implied consent of the owner or person in lawful possession of such private driveway or such public or private property. (Prior code § 3220.2)

10.24.030 Certain alley closed.

No person shall drive or operate any vehicle, as defined by the Vehicle Code, in or upon any portion of the first alley east of Granada Avenue between Valley Boulevard and the first alley north of Valley Boulevard. (Prior code § 3220.3)

10.24.040 Riding on handlebars prohibited.

No operator of any motorcycle when upon a street shall carry any other person upon the handlebars or tank of any such vehicle. (Amended during 1999 recodification; prior code § 3233)

10.24.050 Speed—Trains.

No person shall drive or propel any locomotive engine, railroad train, box motor car, or any train or vehicle operated on rails, or any car driven or propelled by steam, over any street crossing within the corporate limits of the city at a greater rate of speed than sixty-five (65) miles per hour. (Prior code § 3239)

Chapter 10.28**BICYCLES****Sections:**

10.28.010	Bicycle defined.
10.28.020	Traffic laws applying to bicycles.
10.28.030	Sidewalk riding prohibited.
10.28.040	Licensing and registration of private and commercial bicycles.
10.28.050	Reports of bicycle sales.
10.28.060	Rental agencies.
10.28.070	Removal, mutilation and destruction of license plates.
10.28.080	Parking.
10.28.090	Bicycle paths.
10.28.100	Minors under eighteen.
10.28.110	Duties of parents and guardians.
10.28.120	Found bicycles.
10.28.130	Change of address.

10.28.010 Bicycle defined.

Any device upon which a person may ride, which is propelled by human power through a system of belts, chains or gears and which has wheels at least twenty (20) inches in diameter and a frame size of at least fourteen (14) inches. (Prior code § 3400)

10.28.020 Traffic laws applying to bicycles.

A. Every person riding or operating a bicycle shall be subject to all provisions of the Vehicle Code of the state and to all provisions of this code regulating vehicles or vehicular traffic except as to special regulations of said Vehicle Code or of this code which, by their nature, can have no application.

B. Every person operating a bicycle shall obey the lawful order, signal or direction of a Traffic or Police Officer and shall also obey the instructions of official traffic signals, signs and other control devices applicable to vehicles, unless otherwise directed by a Police Officer.

C. Whenever authorized signs are erected indicating that no right or left or "U" turn is permitted, no operator of a bicycle shall disobey the direction of such signs, except where such person dismounts from the bicycle to make any such turn, in which event such person shall then obey the regulations applicable to pedestrians. (Prior code § 3401)

10.28.030 Sidewalk riding prohibited.

A. No person shall ride or propel any bicycle upon or across any public sidewalk within a business district of the city except in such cases and in such places as

motor vehicles may lawfully be operated thereon. (Prior code § 3402)

10.28.040 Licensing and registration of private and commercial bicycles.

A. No person shall own, ride, propel, or be in possession of any bicycle which is not registered and identified as provided in this chapter, or which does not bear a license plate as required by and issued pursuant to the provisions of this chapter; provided, however, that bicycles in the possession of persons engaged in the business of buying or selling new or used bicycles need not be licensed or registered while in their possession. Such bicycles shall be licensed and registered if they are rented, leased, loaned or sold on conditional sales contract to other persons, or are used or ridden by persons other than for the purpose of demonstration.

B. Time for Licensing and Registering. Any person buying a bicycle within the city, or bringing a bicycle into the city, or owning, using or possessing a bicycle in the city, shall, personally or by agent, within ten (10) days after such bicycle is thus purchased, brought into, owned, used or possessed in the city, and in any event before such bicycle is ridden or propelled within the city, make application for the registration thereof and cause the same to be sufficiently identified and licensed as provided in this chapter.

C. Application for License and Registration. Application for such license and registration shall be made to the Chief of Police at the Police Department of the city. At the time such application is made, the applicant must have with him or her the bicycle concerning which application is made and shall present satisfactory proof of ownership of such vehicle.

D. Inspection of Bicycles. The Chief of Police shall cause inspection to be made of the bicycle for which application is thus made, and shall refuse to register and issue a license for the same if it is unsafe or unfit mechanically.

E. Procedure for Registration and Licensing. The Chief of Police, after the inspection of the bicycle as hereinabove provided, shall unless he or she finds the same to be an unsafe or unfit mechanical condition:

1. Issue a license indicium prescribed by the State of California, Department of Motor Vehicles;
2. Affix the same or cause the same to be affixed to such bicycle frame in a conspicuous place;
3. Cause the same to be registered by completing three (3) cards containing the description of the bicycle, including the serial number of the bicycle, the make, type, and model of the bicycle, and the name and address of the licensee as well as the indicium number and any

identifying number stamped upon or otherwise affixed by him or her to such bicycle, and any other or further information deemed by him or her to be necessary or advisable;

4. Issue one of such cards to the applicant and retain the other two (2) for use by the Police Department.

F. **Registration Fees.** There shall be no fee charged to the applicant for each application for registration of a bicycle or for each application for a renewal of registration for any reason. In the event any license indicium and registration card, or either of them, is or becomes lost, stolen, mutilated or illegible, the owner of the bicycle for which the same were or was issued shall immediately make application for a new license and registration card in the same manner as in the case of a first application. Upon re-registering a bicycle, the Chief of Police shall make new registration cards and shall issue a new registration card to the applicant and issue and affix to the bicycle a new indicium number and may destroy the old registration cards.

G. **Expiration of License.** The first license issued after December 31, 1974, shall expire on December 31, 1978. Thereafter, all licenses will be issued for a three (3) year period.

H. **Registration File.** The Chief of Police shall install and maintain a complete filing system containing a record of all applications for the registration of bicycles and containing all of the information required on the application.

I. **Maintenance of Licenses.** Every license plate issued pursuant to this chapter shall, by the owner of the bicycle for which such license has been issued, be kept free from dirt or foreign material and in a condition to be clearly legible, and shall remain affixed to the bicycle for which it was issued so long as such bicycle is owned by such person in the city. (Prior code §§ 3403—3403.9)

10.28.050 Reports of bicycle sales.

Every person in the city who sells or trades any bicycle licensed or registered in accordance with the terms of this chapter, or which was required to have been thus licensed or registered, shall within ten (10) days after such transfer of ownership report such transfer to the Chief of Police and surrender to him or her the registration card concerning such bicycle, if one were issued to him or her. Such report of sale and surrender of registration card may be made by the purchaser of such bicycle by surrendering to the Police Department the registration card of such former owner endorsed on the reverse side thereof. (Prior code § 3404)

10.28.060 Rental agencies.

A rental agency shall not rent or offer for rent any bicycle unless it is registered and licensed and a license plate is attached thereto as provided for in this chapter, and such bicycle must be equipped with the lamps and other equipment required by this code, or by the laws of the state. (Prior code § 3405)

10.28.070 Removal, mutilation and destruction of license plates.

No person shall remove, destroy, mutilate or alter any identifying number stamped or otherwise affixed to any bicycle, or remove, destroy, alter or mutilate any license plate or registration card issued or affixed pursuant to this chapter. Nothing in this chapter shall prohibit the Chief of Police from stamping or otherwise affixing numbers, letters, names or symbols on or to any bicycle on which no serial or other identifying number or symbol can be found, for identification purposes, nor prohibit him or her from stamping any other or additional numbers, names, letters or symbols as may be necessary upon the registration or re-registration of any bicycle. (Prior code § 3406)

10.28.080 Parking.

No person shall park a bicycle upon a street other than upon the roadway against the curb, or upon a sidewalk in a rack to support the bicycle, or against a building or at the curb in such manner as to afford the least obstruction to pedestrian traffic. (Prior code § 3407)

10.28.090 Bicycle paths.

Whenever a usable path for bicycles has been provided adjacent to a roadway, bicycle riders shall use such path and shall not use the roadway. (Prior code § 3408)

10.28.100 Minors under eighteen.

No person under the age of eighteen (18) years shall buy, sell, or trade any bicycle frame, or other parts thereof, without the written consent of his or her parent or legal guardian. (Prior code § 3409)

10.28.110 Duties of parents and guardians.

No parent shall cause or permit their child or ward to violate any portion of the provisions outlined in this chapter. (Prior code § 3410)

10.28.120 Found bicycles.

It shall be the duty of any person finding any bicycle, frame, or part thereof, to immediately notify the Police Department of its location, and to turn the same over to such agency. (Prior code § 3411)

10.28.130 Change of address.

Whenever the owner of a bicycle licensed pursuant to this chapter changes his or her home address, he or she shall within ten (10) days notify the Police Department.
(Prior code § 3412)

Chapter 10.32

SKATEBOARDS AND SIMILAR DEVICES

Sections:

- 10.32.010** **Use of coasters, rollerskates and similar devices restricted.**
- 10.32.020** **Skateboard defined.**
- 10.32.030** **Skateboard restricted.**
- 10.32.040** **Youth safety helmets required for skateboarders and rollerskates.**

10.32.010 Use of coasters, rollerskates and similar devices restricted.

No person upon rollerskates or riding in or by means of a coaster, toy vehicle or similar device shall go upon any street. (Prior code § 3232)

10.32.020 Skateboard defined.

"Skateboard" means any board or object that is mounted on roller skate type wheels and which lacks a hand-held steering mechanism and which is intended to be ridden by standing or sitting thereon. (Prior code § 3420)

10.32.030 Skateboard restricted.

No person shall propel or ride a skateboard upon or cross any public sidewalk within a business district of the city. (Prior code § 3421)

10.32.040 Youth safety helmets required for skateboarders and rollerskates.

A. No person under the age of eighteen (18) years shall ride upon a skateboard or wear as an item of footwear or recreational safety equipment and/or ride upon rollerskates or rollerblades or any other similar item of equipment, upon or across any public sidewalk or street unless that person is also wearing a properly fitted and fastened safety helmet upon his/her head.

B. The words "rollerskates" and "rollerblades" as used in this section mean and include any and all boot, shoe or metal frames having wheels or roller bearings mounted under the shoe-like apparatus that is worn by the user and provides a means of mobility to the user. The configuration of the wheels on the shoe-like apparatus may vary so that the design of the wheels would not remove the shoe-like apparatus from the definition. The word "skateboard" as used in this section has the same meaning as found in Section 10.32.020 and includes any contrivance on which rollerskate or rollerblade wheels are attached and on which a person may stand, kneel or lay

while riding with or without the rider being attached to the skateboard by means of a shoe-like apparatus.

C. The words "safety helmet" as used in this section means and includes all head gear which has been designed and tested for protection to satisfy the standards set by either the American National Standards Institute ANSI Z 90.4 (bicycle helmet standard), the Snell Memorial Foundation label standard for protective headgear for use in bicycling or the American Society standard for testing materials (ASTM F-1447 standard). The manufacturers' certification label of the applicable safety standards must be conspicuously attached to the safety helmet.

D. Any person under the age of eighteen (18) years who violates the provisions of subsection A of this section shall be guilty of committing an infraction and upon conviction thereof, shall be punished by a fine of not more than twenty-five dollars (\$25.00). The parent or legal guardian of the unemancipated minor whose conduct violates subsection A of this section shall be jointly and severally liable with the minor for the amount of the fine imposed pursuant to this subsection D of this section.

E. The provisions of subsection D of this section shall take effect on July 1, 1997. (Prior code § 3422)

Chapter 10.36**VEHICULAR CRUISING****Sections:**

- 10.36.010 Adoption of Vehicle Code Section 21100(k).**
- 10.36.020 Cruising prohibited.**
- 10.36.030 Cruising defined.**
- 10.36.040 Traffic control point defined.**
- 10.36.050 Establishment of traffic control points.**
- 10.36.060 Written warning regarding cruising.**
- 10.36.070 Penalties.**
- 10.36.080 Exceptions.**

10.36.010 Adoption of Vehicle Code Section 21100(k).

California Vehicle Code Section 21100(k) is adopted herein in its entirety and incorporated by reference. (Ord. 2570 § 1 (part), 2002)

10.36.020 Cruising prohibited.

It is unlawful for anyone to engage in cruising upon any of the following streets or highways in the City of El Monte:

- A. Valley Mall between Santa Anita Avenue and Ramona Boulevard;
- B. Valley Boulevard between Baldwin Avenue and Durfee Avenue;
- C. Garvey Avenue between Durfee Avenue and Sastre Avenue;
- D. Peck Road between Magnolia Avenue and Bryant Road;
- E. Ramona Boulevard between Santa Anita Avenue and Cogswell Road.

The list of streets and highways as stated above herein after may be modified by resolution of the City Council. (Ord. 2570 § 1 (part), 2002)

10.36.030 Cruising defined.

A person engages in cruising when, as the operator of a motor vehicle driven upon a portion of a street or highway subject to controls upon cruising, he or she drives past a traffic control point a second or subsequent time within any four (4) hour period after the vehicle that he or she is operating has at least once been driven past the traffic control point on the same street within the four (4) hour period. (Ord. 2570 § 1 (part), 2002)

10.36.040 Traffic control point defined.

A traffic control point means a location utilized as an observation point in order to monitor traffic for potential violations of this chapter. (Ord. 2570 § 1 (part), 2002)

10.36.050 Establishment of traffic control points.

A. The police officer on duty upon any of the streets designated in Section 10.36.020 which is adversely impacted by traffic congestion may, having determined that such street is so affected, establish in his or her discretion one or more traffic control points upon such impacted streets to regulate vehicular cruising.

B. Every traffic control point shall be evidenced by the placement of signs prohibiting cruising and briefly reciting the provisions of this chapter and California Vehicle Code § 21100(k) at the beginning and at the end of the street or highway or portion of street or highway subject to cruising controls. Any police officer on duty in the impacted area is authorized and empowered to post any signs required to implement the provisions of this chapter. (Ord. 2570 § 1 (part), 2002)

10.36.060 Written warning regarding cruising.

No operator of a motor vehicle shall be deemed to have violated the provisions of this chapter unless a written warning notice was placed upon that vehicle or handed to the driver or any occupant thereof. The written notice will warn the driver and other occupants of the vehicle that driving that vehicle past a traffic control point within four (4) hours of its initial passage past the control point will be a violation of this chapter. (Ord. 2570 § 1 (part), 2002)

10.36.070 Penalties.

Any person convicted of cruising as defined herein shall be guilty of a misdemeanor. Each successive time the vehicle is driven past the control point following receipt of the written notice described in Section 10.36.060 shall constitute a separate violation of this chapter, and no additional notice to the driver of such vehicle shall be required prior to the issuance of subsequent citations. (Ord. 2570 § 1 (part), 2002)

10.36.080 Exceptions.

This chapter shall not apply to:

- A. Any authorized emergency vehicle as defined in Section 165 of the California Vehicle Code;
- B. Any publicly owned vehicle of any city, county, district, state or federal agency;

C. Any vehicle licensed for public transportation or commercial vehicles which are then being driven solely for business purposes; or

D. Any person operating a motor vehicle or passenger therein whose residence or place of employment is either located upon property immediately contiguous to or is directly accessed from any street or highway subject to cruising controls and such person displays satisfactory proof of such residence or place of employment at the traffic point. (Ord. 2570 § 1 (part), 2002)

Appendix

1964 Edition

UNIFORM TRAFFIC ORDINANCE

(Enacted by Ord. 1353, Adopted Feb. 23, 1965)

CITY OF EL MONTE

UNIFORM TRAFFIC ORDINANCE

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UNIFORM TRAFFIC ORDINANCE

CITY OF EL MONTE

ARTICLE I DEFINITIONS

Section 1. Definitions of Words and Phrases. The following words and phrases when used in this ordinance shall for the purpose of this ordinance have the meanings respectively ascribed to them in this article.

Section 1.1. Motor Vehicle Code Definitions to be Used. Whenever any words or phrases used herein are not defined, but are defined in the Vehicle Code of the State of California and amendments thereto, such definitions shall apply.

Section 1.2. Central Traffic District. All streets and portions of streets within the area described as follows: Area bounded by Valley Boulevard on the North, Ramona Boulevard on the South, and Santa Anita Avenue on the West.

Section 1.3. Coach. Any motor bus, motor coach, trackless trolley, or passenger stage used as a common carrier of passengers.

Section 1.4. Council. The Council of the City of El Monte.

Section 1.5. Curb. The lateral boundary of the roadway whether such curb be marked by curbing construction, or not so marked; the word "curb" as herein used shall not include the line dividing the roadway of a street from parking strips in the center of a street, nor from tracks or rights of way of public utility companies.

Section 1.6. Divisional Island. A raised island located in the roadway and separating opposing or conflicting streams of traffic.

Section 1.7. Holidays. Within the meaning of this Ordinance, holidays are the first day of January, the third Monday in February, the last Monday in May, the fourth day of July, the first Monday in September, the ninth day of September, the twenty-fifth day of December, and Thanksgiving Day. If the first day of January, the fourth day of July, the ninth day of September or the twenty-fifth day of December falls upon a Sunday, the Monday following is a holiday. If it falls upon a Saturday, the Friday preceding is a holiday.

Section 1.8. Loading Zone. The space adjacent to a curb reserved for the exclusive use of vehicles during the loading or unloading of passengers or materials.

Section 1.9. Official Time Standard. Whenever certain hours are named herein, they shall mean standard time or daylight saving time as may be in current use in this city.

Section 1.10. Parkway. That portion of a street other than a roadway or a sidewalk.

Section 1.12. Passenger Loading Zone. The space adjacent to a curb reserved for the exclusive use of vehicles during the loading or unloading of passengers.

Section 1.13. Pedestrian. Any person afoot.

Section 1.14. Police Officer. Every officer of the Police Department of this city or any officer authorized to direct or regulate traffic or to make arrests for violations of traffic regulations.

Section 1.15. Stop. When required, means complete cessation of movement.

Section 1.16. Vehicle Code. The Vehicle Code of the State of California.

ARTICLE II TRAFFIC ADMINISTRATION

Section 2. Police Administration. There is hereby established in the police department of this city a traffic division to be under the control of an officer of police appointed by and directly responsible to the chief of police.

Section 2.1. Duty of Traffic Division. It shall be the duty of the traffic division with such aid as may be rendered by other members of the police department to enforce the street traffic regulations of this city and all of the state vehicle laws applicable to street traffic in this city, to make arrests for traffic violations, to investigate traffic accidents and to cooperate with the city traffic engineer and other officers of the city in the administration of the traffic laws and in developing ways and means to improve traffic conditions, and to carry out those duties specially imposed upon said division by this ordinance and the traffic ordinances of this city.

Section 2.2. Traffic Accident Studies. Whenever the accidents at any particular location become numerous, the traffic division shall cooperate with the city traffic engineer in conducting studies of such accidents and determining remedial measures.

Section 2.3. Traffic Accident Reports. The traffic division shall maintain a suitable system of filing traffic accident reports. Accident reports or cards referring to them shall be filed alphabetically by location. Such reports shall be available for the use and information of the city traffic engineer.

Section 2.4. Traffic Division to Submit Annual Traffic Safety Report. The traffic division shall annually prepare a traffic report which shall be filed with the City Council. Such a report shall contain information on traffic matters in this city as follows:

1. The number of traffic accidents, the number of persons killed, the number of persons injured, and other pertinent traffic accident data;
2. The number of traffic accidents investigated and other pertinent data on the safety activities of the police;
3. The plans and recommendations of the division for future traffic safety activities.

Section 2.5. City Traffic Engineer. The office of City Traffic Engineer is hereby established. The City Engineer shall ex-officio be the City Traffic Engineer and he shall exercise the powers and duties as provided in this Ordinance and in the traffic ordinances of the City. Whenever the City Traffic Engineer is required or authorized to place or maintain official traffic control devices or signals, he may cause such devices or signals to be placed or maintained.

Section 2.6. Powers and Duties of City Traffic Engineer — Delegation. It shall be the general duty of the city traffic engineer to determine the installation and proper timing and maintenance of traffic control devices and signals, to conduct engineering analyses of traffic accidents and to devise remedial measures, to conduct engineering and traffic investigations of traffic conditions and to cooperate with other city officials in the development of ways and means to improve traffic conditions, and to carry out the additional powers and duties imposed by ordinances of this city. Whenever, by the provisions of this ordinance a power is granted to the city traffic engineer or a duty imposed upon him, the power may be exercised or the duty performed by his deputy or by a person authorized in writing by him.

ARTICLE III
ENFORCEMENT AND OBEDIENCE TO
TRAFFIC REGULATIONS

Section 3. Authority of Police and Fire Department Officials. Officers of the Police Department and such officers as are assigned by the Chief of Police are hereby authorized to direct all traffic by voice, hand, audible or other signal in conformance with traffic laws, except that in the event of a fire or other emergency or to expedite traffic or to safeguard pedestrians, officers of the Police Department or members of the Fire Department may direct traffic as conditions may require, notwithstanding the provisions to the contrary contained in this ordinance or the Vehicle Code.

Section 3.1. Persons Other Than Officials Shall Not Direct Traffic. No person other than an officer of the Police Department or members of the Fire Department or a person authorized by the Chief of Police or a person authorized by law shall direct or attempt to direct traffic by voice, hand or other signal, except that persons may operate, when and as herein provided, any mechanical pushbutton signal erected by order of the city traffic engineer.

Section 3.2. Obedience to Police or Authorized Officers. No person shall fail or refuse to comply with, or to perform any act forbidden by, any lawful order, signal, or direction of a traffic or police officer, or a member of the Fire Department, or a person authorized by the Chief of Police or by law.

Section 3.3. Traffic Regulations Apply to Persons Riding Bicycles or Animals. Every person riding a bicycle or riding or driving an animal upon a highway has all of the rights and shall be subject to all of the duties applicable to the driver of a vehicle by this ordinance, except those provisions which by their very nature can have no application.

Section 3.4. Obstruction or Interference with Police or Authorized Officers. No person shall interfere with or obstruct in any way any police officer or other officer or employee of this city in their enforcement of the provisions of this ordinance. The removal, obliteration or concealment of any chalk mark or other distinguishing mark used by any police officer or other employee or officer of this city in connection with the enforcement of the parking regulations of this ordinance shall, if done for the purpose of evading the provisions of this ordinance, constitute such interference or obstruction.

Section 3.5. Public Employees to Obey Traffic Regulations. The provisions of this ordinance shall apply to the operator of any vehicle owned by or used in the service of the United States Government, this state, any county or city, and it shall be unlawful for any said operator to violate any of the provisions of this ordinance except as otherwise permitted in this ordinance or by the Vehicle Code.

Section 3.6. Exemption of Certain Vehicles. (a) The provisions of this ordinance regulating the operation, parking and standing of vehicles shall not apply to vehicles operated by the Police or Fire Department, any public ambulance or any public utility vehicle or any private ambulance, which public utility vehicle or private ambulance has qualified as an authorized emergency vehicle, when any vehicle mentioned in this section is operated in the manner specified by the Vehicle Code in response to an emergency call.

(b) The foregoing exemptions shall not, however, relieve the operator of any such vehicle from obligation to exercise due care for the safety of others or the consequences of his willfull disregard of the safety of others.

(c) The provisions of this ordinance regulating the parking or standing of vehicles shall not apply to any vehicle of a city department or public utility while necessarily in use for construction or repair work or any vehicle owned or operated by the United States Post Office Department while in use for the collection, transportation or delivery of United States mail.

Section 3.7. Report of Damage to Certain Property. (a) The operator of a vehicle or the person in charge of any animal involved in any accident resulting in damage to any property publicly owned or owned by a public utility, including but not limited to any fire hydrant, parking meter, lighting post, telephone pole, electric light or power pole, or resulting in damage to any tree, traffic control device or other property of a like nature located in or along any street, shall within twenty-four (24) hours after such accident make a written report of such accident to the Police Department of this city.

(b) Every such report shall state the time when and the place where the accident took place, the name and address of the person owning and of the person operating or in charge of such vehicle or animal, the license number of every such vehicle, and shall briefly describe the property damage in such accident.

(c) The operator of any vehicle involved in an accident shall not be subject to the requirements or penalties of this section if and during the time he is physically incapable of making a report, but in such event he shall make a report as required in subdivision (a) within twenty-four (24) hours after regaining ability to make such report.

Section 3.8. When Vehicles May be Removed from Streets. Any regularly employed and salaried officer of the El Monte Police Department or any Parking Control Officer of the City may remove or cause to be removed:

(a) Any vehicle that has been parked or left standing upon a street or highway for 72 or more consecutive hours.

(b) Any vehicle which is parked or left standing upon a street or highway between the hours of 7:00 a.m. and 7:00 p.m. when such parking or standing is prohibited by ordinance or resolution of this City and signs are posted giving notice of such removal.

(c) Any vehicle which is parked or left standing upon a street or highway where the use of such street or highway or a portion thereof is necessary for the cleaning, repair or construction of the street or highway or for the installation of underground utilities or where the use of the street or highway or any portion thereof is authorized for a purpose other than the normal flow of traffic or where the use of the street or highway or any portion thereof is necessary for the movement of equipment, articles or structures of unusual size, and the parking of such vehicle would prohibit or interfere with such use or movement; provided that signs giving notice that such vehicle may be removed are erected or placed at least twenty-four (24) hours prior to the removal.

(d) Any vehicle that has been parked or left standing contrary to the provisions of Section 10.16.070 of the El Monte Municipal Code upon any streets specified in Section 10.12.010 of the El Monte Municipal Code when signs are posted giving notice of such removal.

Section 3.9. Notices of Violations. Any full time regular employee of the El Monte Police Department or any Parking Control Officer of the City, when authorized so to do by the Chief of Police, may issue notices of violations pursuant to Section 41103 of the Vehicle Code of the State of California.

ARTICLE IV TRAFFIC CONTROL DEVICES

Section 4. Authority to Install Traffic Control Devices. (a) The city traffic engineer shall have the power and duty to place and maintain or cause to be placed and maintained official traffic control devices when and as required to make effective the provisions of this ordinance.

(b) Whenever the Vehicle Code requires for the effectiveness of any provision thereof that traffic control devices be installed to give notice to the public of the application of such law the city traffic engineer is hereby authorized to install or cause to be installed the necessary devices subject to any limitations or restrictions set forth in the law applicable thereto.

(c) The city traffic engineer may also place and maintain or cause to be placed and maintained such additional traffic control devices as he may deem necessary or proper to regulate traffic or to guide or warn traffic, but he shall make such determination only upon the basis of traffic engineering principles and traffic investigations and in accordance with such standards, limitations, and rules as may be set forth in this ordinance or as may be determined by ordinance or resolution of the Council.

Section 4.1. Traffic Control Signs Required for Enforcement Purposes. No provision of the Vehicle Code or of this ordinance for which signs are required shall be enforced against an alleged violator unless appropriate legible signs are in place giving notice of such provisions of the traffic laws.

Section 4.2. Obedience to Traffic Control Devices. The operator of any vehicle or train shall obey the instructions of any official traffic control device placed in accordance with this ordinance unless otherwise directed by a police officer or other authorized person subject to the exceptions granted the operator of an authorized emergency vehicle when responding to emergency calls.

Section 4.3. Installation of Traffic Signals. (a) The city traffic engineer is hereby directed to install and maintain official traffic signals at those intersections and other places where traffic conditions are such as to require that the flow of traffic be alternately interrupted and released in order to prevent or relieve traffic congestion or to protect life or property from exceptional hazard.

(b) The city traffic engineer shall ascertain and determine the locations where such signals are required by field investigation, traffic counts and other traffic information as may be pertinent and his determinations therefrom shall be made in accordance with those traffic engineering and safety standards and instructions set forth in the California Maintenance Manual issued by the Division of Highways of the State Department of Public Works.

(c) Whenever the city traffic engineer installs and maintains an official traffic signal at any intersection, he shall likewise erect and maintain at such intersection street name signs clearly visible to traffic approaching from all directions unless such street name signs have previously been placed and are maintained at any said intersection.

Section 4.4. Lane Marking. The city traffic engineer is hereby authorized to mark center lines and lane lines upon the surface of the roadway to indicate the course to be traveled by vehicles and may place signs temporarily designating lanes to be used by traffic moving in a particular direction, regardless of the center line of the highway.

Section 4.5. Distinctive Roadway Markings. The city traffic engineer is authorized to place and maintain distinctive roadway markings as described in the Vehicle Code on those streets or parts of streets where the volume of traffic or the vertical or other curvature of the roadway renders it hazardous to drive on the left side of such marking or signs and markings. Such marking or signs and marking shall have the same effect as similar markings placed by the State Department of Public Works pursuant to provisions of the Vehicle Code.

Section 4.6. Authority to Remove, Relocate and Discontinue Traffic Control Devices. The city traffic engineer is hereby authorized to remove, relocate or discontinue the operation of any traffic control device not specifically required by the Vehicle Code or this ordinance whenever he shall determine in any particular case that the conditions which warranted or required the installation no longer exist or obtain.

Section 4.7. Traffic Control Devices: Hours of Operation. The city traffic engineer shall determine the hours and days during which any traffic control device shall be in operation or be in effect, except in those cases where such hours or days are specified in this ordinance.

Section 4.8. Unauthorized Painting of Curbs. No person, unless authorized by this city, shall paint any street or curb surface; provided, however, that this section shall not apply to the painting of numbers on a curb surface by any person who has complied with the provisions of any resolution or ordinance of this city pertaining thereto.

ARTICLE V TURNING MOVEMENTS

Section 5. Authority to Place Turning Markers. Intersections. Multiple Lanes. The City Traffic Engineer is authorized to place official traffic control devices within or adjacent to intersections and indicating the course to be traveled by vehicles turning at such intersections, and the City Traffic Engineer is authorized to locate and indicate more than one lane of traffic from which drivers of vehicles may make right or left hand turns, and the course to be traveled as so indicated may conform to or be other than as prescribed by law or ordinance.

Section 5.1. Authority to Place Restricted Turn Signs. The city traffic engineer is hereby authorized to determine those intersections at which drivers of vehicles shall not make a right, left, or U-turn, and shall place proper signs at such intersections. The making of such turns may be prohibited between certain hours of any day and permitted at other hours, in which event the same shall be plainly indicated on the signs or they may be removed when such turns are permitted.

Section 5.2. Signal Controlled Intersections — Right Turns. (a) No driver of a vehicle shall make a right turn against a red or stop signal at any intersection which is sign-posted giving notice of such restriction as hereinafter provided in this section.

(b) The city traffic engineer shall post appropriate signs giving effect to this section where he determines that the making of right turns against a traffic signal "stop" indication would seriously interfere with the safe and orderly flow of traffic.

ARTICLE VI ONE-WAY STREETS AND ALLEYS

Section 6. The City Traffic Engineer to Sign One-Way Streets and Alleys. Whenever any ordinance or resolution of this city designates any one-way street or alley, the city traffic engineer shall place and maintain signs giving notice thereof, and no such regulations shall be effective unless such signs are in place. Signs indicating the direction of lawful traffic movement shall be placed at every intersection where movement of traffic in the opposite direction is prohibited.

ARTICLE VII SPECIAL STOPS REQUIRED

Section 7. The City Traffic Engineer to Erect Stop Signs. Whenever any ordinance or resolution of this city designates and describes any street or portion thereof as a through street, or any intersection at which vehicles are required to stop at one or more entrances thereto, or any railroad grade crossing at which vehicles are required to stop, the city traffic engineer shall erect and maintain stop signs as follows:

A stop sign shall be erected on each and every street intersecting such through street or portion thereof so designated and at those entrances to other intersections where a stop is required and at any railroad grade crossing so designated; provided, however, stop signs shall not be erected or maintained at any entrance to an intersection when such entrance is controlled by an official traffic control signal. Every such sign shall conform with, and shall be placed as provided in, the Vehicle Code.

Section 7.1. Stop at Through Street or Stop Sign. (a) Those streets and parts of streets established by resolution of the Council are hereby declared to be through streets for the purposes of this section.

(b) The provisions of this section shall also apply at one or more entrances to the intersections as such entrances and intersections are established by resolution of the Council.

(c) The provisions of this section shall apply at those highway railway grade crossings as established by resolution of the Council.

Section 7.2. Emerging from Alley, Driveway or Building. The driver of a vehicle emerging from an alley, driveway or building shall stop such vehicle immediately prior to driving onto a sidewalk or into the sidewalk area extending across any alley way or driveway.

ARTICLE VIII MISCELLANEOUS DRIVING RULES

Section 8. Driving Through Funeral Procession. No operator of any vehicle shall drive between the vehicles comprising a funeral procession or a parade, provided that such vehicles are conspicuously so designated. The directing of all vehicles and traffic on any street over which such funeral procession or parade wishes to pass shall be subject to the orders of the Police Department.

Section 8.1. Clinging to Moving Vehicle. No person shall attach himself with his hands, or to catch on, or hold on to with his hands or by other means, to any moving vehicle or train for the purpose of receiving motive power therefrom.

Section 8.2. Commercial Vehicles Using Private Driveways. No person shall operate or drive a commercial vehicle in, on or across any private driveway approach or sidewalk area or the driveway itself without the consent of the owner or occupant of the property, if a sign or markings are in place indicating that the use of such driveway is prohibited.

For the purpose of this section a commercial vehicle shall mean a vehicle having a rated capacity in excess of one-half ton.

Section 8.3. Riding or Driving on Sidewalk. No person shall ride, drive, propel or cause to be propelled any vehicle or animal across or upon any sidewalk excepting over permanently constructed driveways and excepting when it is necessary for any temporary purpose to drive a loaded vehicle across a sidewalk; provided further, that said sidewalk area be substantially protected by wooden planks two inches thick, and written permission be previously obtained from the city traffic engineer. Such wooden planks shall not be permitted to remain upon such sidewalk area during the hours from 6:00 p.m. to 6:00 a.m.

Section 8.4. New Pavement and Markings. No person shall ride or drive any animal or any vehicle over or across any newly made pavement or freshly painted markings in any street when a barrier sign, cone-marker or other warning device is in place warning persons not to drive over or across such pavement or marking, or when any such device is in place indicating that the street or any portion thereof is closed.

Section 8.5. Obedience to Barriers and Signs. No person, public utility or department in the City shall erect or place any barrier or sign on any street unless of a type approved by the city traffic engineer or disobey the instructions, remove, tamper with or destroy any barrier or sign lawfully placed on any street by any person, public utility or by any department of this city.

Section 8.6. No Entrance Into Intersection That Would Obstruct Traffic. No operator of any vehicle shall enter an intersection or a marked crosswalk unless there is sufficient space on the other side of the intersection or crosswalk to accommodate the vehicle he is operating without obstructing the passage of other vehicles or pedestrians, notwithstanding any traffic-control signal indication to proceed.

Section 8.7. Limited Access. No person shall drive a vehicle onto or from any limited access roadway except at such entrances and exits as are lawfully established.

Section 8.8. Restrictions on Use of Freeways. No person shall drive or operate any bicycle, motor driven cycle, or any vehicle which is not drawn by a motor vehicle upon any street established as a freeway, as defined by State law, nor shall any pedestrian walk across or along any such street so designated and described except in space set aside for the use of pedestrians, provided official signs are in place giving notice of such restrictions.

ARTICLE IX PEDESTRIANS REGULATIONS

Section 9. Traffic Engineer to Establish Marked Crosswalks. (a) The city traffic engineer shall establish, designate and maintain crosswalks at intersections and other places by appropriate devices, marks or lines upon the surface of the roadway as follows:

Crosswalks shall be established and maintained at all intersections within the central traffic district and at such intersections outside such district, and at other places within or outside said district where the city traffic engineer determines that there is particular hazard to pedestrians crossing the roadway subject to the limitation contained in (b) of this section.

(b) Other than crosswalks at intersections, no crosswalk shall be established in any block which is less than four hundred (400) feet in length and such crosswalk shall be located as nearly as practicable at mid-block.

(c) The city traffic engineer may place signs at or adjacent to an intersection in respect to any crosswalk directing that pedestrians shall not cross in the crosswalk so indicated.

Section 9.1. When Pedestrians Must Use Crosswalks. No pedestrian shall cross a roadway other than by a crosswalk in the central traffic district or in any business district.

ARTICLE X
STOPPING, STANDING AND PARKING FOR CERTAIN
PURPOSES OR IN CERTAIN PLACES

Section 10. Application of Regulations. (a) The provisions of this ordinance prohibiting the stopping, standing or parking of a vehicle shall apply at all times or at those times herein specified, except when it is necessary to stop a vehicle to avoid conflict with other traffic or in compliance with the directions of a police officer or official traffic control device.

(b) The provisions of this ordinance imposing a time limit on standing or parking shall not relieve any person from the duty to observe other and more restrictive provisions of the Vehicle Code or the ordinances of this city prohibiting or limiting the standing or parking of vehicles in specified places or at specified times.

Section 10.1. Stopping or Standing in Parkways Prohibited. No person shall stop, stand or park a vehicle within any parkway.

Section 10.2. Traffic Engineer to Maintain No Stopping Zones and No Parking Areas. The city traffic engineer is hereby authorized to maintain, by appropriate signs or by paint upon the curb surface, all no stopping zones, no parking areas, and restricted parking areas, as defined and described in this ordinance.

When said curb markings or signs are in place no operator of any vehicle shall stop, stand or park such vehicle adjacent to any such legible curb marking or sign in violation of any of the provisions of this ordinance.

Section 10.3. No Parking Areas. No operator of any vehicle shall stop, stand, park or leave standing such vehicle in any of the following places, except when necessary to avoid conflict with other traffic or in compliance with the direction of a police officer or other authorized officer, of traffic sign or signal:

(a) Within any divisional island unless authorized and clearly indicated with appropriate signs or markings.

(b) On either side of any street between the projected property lines of any public walk, public steps, street, or thoroughfare terminating at such street, when such area is indicated by appropriate signs or by red paint upon the curb surface.

(c) In any area where the city traffic engineer determines that the parking or stopping of a vehicle would constitute a traffic hazard or would endanger life or property, when such area is indicated by appropriate signs or by red paint upon the curb surface.

(d) In any area established by resolution of the Council as a no parking area, when such area is indicated by appropriate signs or by red paint upon the curb surface.

(e) Upon, along or across any railway track in such manner as to hinder, delay, or obstruct the movement of any car traveling upon such track.

(f) In any area where the parking or stopping of any vehicle would constitute a traffic hazard or would endanger life or property.

(g) On any street or highway where the use of such street or highway or a portion thereof is necessary for the cleaning, repair or construction of the street or highway or the installation of underground utilities or where the use of the street or highway or any portion thereof is authorized for a purpose other than the normal flow of traffic or where the use of the street or highway or any portion thereof is necessary for the movement of equipment, articles or structures of unusual size, and the parking of such vehicle would prohibit or interfere with such use or movement; provided that signs giving notice of such no parking are erected or placed at least twenty-four (24) hours prior to the effective time of such no parking.

(h) At any place within twenty (20) feet of a point on the curb immediately opposite the mid-block end of a safety zone, when such place is indicated by appropriate signs or by red paint upon the curb surface.

(i) At any place within twenty (20) feet of a crosswalk at an intersection (in the central traffic district or) in any business district when such place is indicated by appropriate signs or by red paint upon the curb surface except that a bus may stop at a designated bus stop.

(j) Within twenty (20) feet of the approach to any traffic signal, boulevard stop sign, or official electric flashing device.

Section 10.4. Use of Streets for Storage of Vehicles Prohibited. No person who owns or has possession, custody or control of any vehicle shall park such vehicle upon any street or alley for more than a consecutive period of 72 hours.

Section 10.5. Displaying Vehicle For Sale. No person shall place or park a vehicle on any public street which bears more than one (1) sign advertising that the vehicle is for sale. No sign permitted by this Section shall be larger than twelve (12) inches by twenty (20) inches in size nor shall any such sign be placed on the exterior of the vehicle. No person shall place or park a vehicle on any public street on which the words "For Sale" or similar words advertising that such vehicle is for sale are painted on the windows or exterior body of the vehicle. (Added by Ord. 2156, 8/12/86.)

Section 10.6. Repairing or Greasing Vehicles on Public Streets. No person shall construct or cause to be constructed, repair or cause to be repaired, grease or cause to be greased, dismantle or cause to be dismantled any vehicle or any part thereof upon any public street in this city. Temporary emergency repairs may be made upon a public street.

Section 10.7. Washing or Polishing Vehicles. No person shall wash or cause to be washed, polish or cause to be polished any vehicle or any part thereof upon any public street in this city, when a charge is made for such service.

Section 10.8. Parking Adjacent to Schools. (a) The city traffic engineer is hereby authorized to erect signs indicating no parking upon that side of any street adjacent to any school property when such parking would, in his opinion, interfere with traffic or create a hazardous situation.

(b) When official signs are erected prohibiting parking upon that side of a street adjacent to any school property, no person shall park a vehicle in any such designated place.

Section 10.9. Parking Prohibited on Narrow Streets. (a) The city traffic engineer is hereby authorized to place signs or markings indicating no parking upon any street when the width of the roadway does not exceed twenty (20) feet, or upon one side of a street as indicated by such signs or markings when the width of the roadway does not exceed thirty (30) feet.

(b) When official signs or markings prohibiting parking are erected upon narrow streets as authorized herein, no person shall park a vehicle upon any such street in violation of any such sign or marking.

Section 10.10. Parking on Grades. No person shall park or leave standing any vehicle unattended on a highway when upon any grade exceeding 3% (within any business or residence district) without blocking the wheels of said vehicle by turning them against the curb or by other means.

Section 10.12. Emergency Parking Signs. (a) Whenever the city traffic engineer shall determine that an emergency traffic congestion is likely to result from the holding of public or private assemblages, gatherings or functions, or for other reasons, the city traffic engineer shall have power and authority to order temporary signs to be erected or posted indicating that the operation, parking or standing of vehicles is prohibited on such streets and alleys as the city traffic engineer shall direct during the time such temporary signs are in place. Such signs shall remain in place only during the existence of such emergency and the city traffic engineer shall cause such signs to be removed promptly thereafter.

(b) When signs authorized by the provisions of this section are in place giving notice thereof, no person shall operate, park, or stand any vehicle contrary to the directions and provisions of such signs.

Section 10.13. Display of Warning Devices When Commercial Vehicle Disabled. Every motor truck having an unladen weight of 4,000 pounds or more, and every truck tractor irrespective of weight when operated upon any street or highway during darkness shall be equipped with and carry at least two flares or two red lanterns or two warning lights or reflectors, which reflectors shall be of a type approved by the Department of California Highway Patrol. When any vehicle above mentioned or any trailer or semitrailer is disabled upon streets or highways outside of any business or residence district within this city and upon which street or highway there is insufficient street lighting to reveal a vehicle at a distance of 200 feet during darkness, a warning signal of the character indicated above shall be immediately placed at a distance of approximately 100 feet in advance of, and 100 feet to the rear of, such disabled vehicle by the driver thereof. The continuous flashing of at least four approved class A-Type I turn signal lamps, at least two toward the front and at least two toward the rear of the vehicle, shall be considered to meet the requirements of this section until the

devices mentioned above can be placed in the required locations. The warning signals herein mentioned shall be displayed continuously during darkness while such vehicle remains disabled upon such street or highway.

Section 10.14. Parking of Trailers or Semi-trailers. No person shall park any trailer or semi-trailer upon any highway, street, alley, public way or public place unless the trailer or semi-trailer is at all times while so parked attached to a vehicle capable of moving the trailer or semi-trailer in a normal manner upon the highway, street, alley, public way or public place.

This Section shall not apply to trailers or semi-trailers while in the process of being loaded or unloaded, nor shall it apply to any trailer or semi-trailer which is disabled in such a manner and to such an extent that it is impossible to avoid stopping and temporarily leaving the disabled trailer or semi-trailer on that portion of the highway, street, alley, public way or public place ordinarily used for vehicular parking.

ARTICLE XI STOPPING, STANDING OR PARKING RESTRICTED OR PROHIBITED ON CERTAIN STREETS

Section 11. Twenty Minute Parking. Green curb marking shall mean no standing or parking for a period of time longer than twenty (20) minutes at any time between 8:00 a.m. and 6:00 p.m. of any day except Sundays and holidays.

When authorized signs or curb markings have been determined by the City Traffic Engineer to be necessary and are in place giving notice thereof, no operator of any vehicle shall stop, stand or park said vehicle adjacent to any such legible curb marking or sign in violation thereof. (Amended by Ord. 2053, 6/14/83.)

Section 11.2. One Hour Parking. When authorized signs, parking meters or curb markings have been determined by the City Traffic Engineer to be necessary and are in place giving notice thereof, no operator of any vehicle shall stop, stand or park said vehicle between the hours of 8:00 a.m. and 6:00 p.m. of any day except Sundays and holidays for a period of time longer than one hour. (Amended by Ord. 2053, 6/14/83.)

Section 11.3. Two Hour Parking. When authorized signs, parking meters or curb markings have been determined by the City Traffic Engineer to be necessary and are in place giving notice thereof, no operator of any vehicle shall stop, stand or park said vehicle between the hours of 8:00 a.m. and 6:00 p.m. of any day except Sundays and holidays for a period of time longer than two hours. (Amended by Ord. 2053, 6/14/83.)

Section 11.4. Parking Parallel on One-Way Streets. (a) Subject to other and more restrictive limitations, a vehicle may be stopped or parked within eighteen (18) inches of the left-hand curb facing in the direction of traffic movement upon any one-way street unless signs are in place prohibiting such stopping or standing.

(b) In the event a highway includes two or more separate roadways and traffic is restricted to one direction upon any such roadway, no person shall stand or park a vehicle upon the left-hand side of such one-way roadway unless signs are in place permitting such standing or parking.

(c) The city traffic engineer is authorized to determine when standing or parking shall be prohibited upon the left-hand side of any one-way street or when standing or parking may be permitted upon the left-hand side of any one-way roadway of a highway having two or more separate roadways and shall erect signs giving notice thereof.

(d) The requirement of parallel parking imposed by this section shall not apply in the event any commercial vehicle is actually engaged in the process of loading or unloading freight or goods, in which case such vehicle may be backed up to the curb, provided that such vehicle does not extend beyond the center line of the street and does not block traffic thereby.

Section 11.5. Diagonal Parking. On any of the streets or portions of streets established by resolution of the Council as diagonal parking zones, when signs or pavement markings are in place indicating such diagonal parking, it shall be unlawful for the operator of any vehicle to park said vehicle except:

(a) At the angle to the curb indicated by signs or pavement markings allotting space to parked vehicles and entirely within the limits of said allotted space;

(b) With the front wheel nearest the curb within six (6) inches of said curb.

The provisions of this section shall not apply when such vehicle is actually engaged in the process of loading or unloading passengers, freight or goods, in which event the provisions applicable in Section 11.4 of this ordinance shall be complied with.

Section 11.6. Parking Space Markings. The city traffic engineer is authorized to install and maintain parking space markings to indicate parking spaces adjacent to curbs where authorized parking is permitted.

When such parking space markings are placed on the highway, subject to other and more restrictive limitations, no vehicle shall be stopped, left standing or parked other than within a single space unless the size or shape of such vehicle makes compliance impossible.

Section 11.7. No Stopping Zones. The city traffic engineer shall designate established no stopping zones by placing and maintaining appropriate signs indicating that stopping of vehicles is prohibited and indicating the hours and day when stopping is prohibited.

During the hours and on the days designated on the signs, it shall be unlawful for the operator of any vehicle to stop said vehicle on any of the streets or parts of streets established by resolution of the Council as no stopping zones.

ARTICLE XII STOPPING FOR LOADING OR UNLOADING ONLY

Section 12. Authority to Establish Loading Zones. (a) The city traffic engineer is hereby authorized to determine and to mark loading zones and passenger loading zones as follows:

1. At any place in the central traffic district or any business district.
2. Elsewhere in front of the entrance to any place of business or in front of any hall or place used for the purpose of public assembly.
 - (b) In no event shall more than one-half of the total curb length in any block be reserved for loading zone purposes.
 - (c) Loading zones shall be indicated by yellow paint upon the top of all curbs within such zones.
 - (d) Passenger loading zones shall be indicated by white paint upon the top of all curbs in said zones.

Section 12.1. Curb Markings to Indicate No Stopping and Parking Regulations. (a) The city traffic engineer is hereby authorized, subject to the provisions and limitations of this ordinance, to place, and when required herein shall place, the following curb markings to indicate parking or standing regulations, and said curb markings shall have the meanings as herein set forth.

1. Red shall mean no stopping, standing or parking at any time except as permitted by the Vehicle Code, and except that a bus may stop in a red zone marked or signed as a bus zone.
2. Yellow shall mean no stopping, standing or parking at any time between 7:00 a.m. and 6:00 p.m. of any day except Sunday(s and holidays) for any purpose other than the loading or unloading of passengers or materials, provided that the loading or unloading of passengers shall not consume more than three (3) minutes nor the loading or unloading of materials more than twenty (20) minutes.
3. White shall mean no stopping, standing or parking for any purpose other than loading or unloading of passengers, or for the purpose of depositing mail in an adjacent mail box, which shall not exceed three (3) minutes and such restrictions shall apply between 7:00 a.m. and 6:00 p.m. of any day except Sunday(s and holidays) and except as follows:
 - A. When such zone is in front of a hotel or in front of a mailbox the restrictions shall apply at all times.
 - B. When such zone is in front of a theater the restrictions shall apply at all times except when such theater is closed.
 - C. When such is located at or in a recreational facility as defined in Section 2723 of the El Monte Municipal Code. (Added by Ord. 2148, 6/24/86.)
4. When the city traffic engineer as authorized under this ordinance has caused curb markings to be placed, no person shall stop, stand or park a vehicle adjacent to any such legible curb marking in violation of any of the provisions of this section.

Section 12.2. Effect of Permission to Load or Unload. (a) Permission herein granted to stop or stand a vehicle for purposes of loading or unloading of materials shall apply only to commercial vehicles and shall not extend beyond the time necessary therefor, and in no event for more than twenty (20) minutes.

(b) The loading or unloading of materials shall apply only to commercial deliveries, also the delivery or pick-up of express and parcel post packages and United States mail.

(c) Permission herein granted to stop or park for purposes of loading or unloading passengers shall include the loading or unloading of personal baggage but shall not extend beyond the time necessary therefor and in no event for more than three (3) minutes.

(d) Within the total time limits above specified the provisions of this section shall be enforced so as to accommodate necessary and reasonable loading or unloading but without permitting abuse of the privileges hereby granted.

Section 12.3. Standing for Loading or Unloading Only. No person shall stop, stand or park a vehicle in any yellow loading zone for any purpose other than loading or unloading passengers or material for such time as is permitted in Section 12.2.

Section 12.4. Standing in Passenger Loading Zone. No person shall stop, stand or park a vehicle in any passenger loading zone for any purpose other than the loading or unloading of passengers for such time as is specified in Section 12.2.

Section 12.5. Standing in Any Alley. No person shall stop, stand or park a vehicle for any purpose other than the loading or unloading of persons or materials in any alley.

Section 12.6. Coach Zones to be Established. (a) The city traffic engineer is hereby authorized to establish bus zones opposite curb space for the loading and unloading of buses or common carriers of passengers and to determine the location thereof.

(b) Coach zones shall normally be established on the far side of an intersection.

ARTICLE XV TRAINS

Section 15. Railway Gates. No person shall drive any vehicle through, around, or under any crossing gate or barrier at a railroad grade crossing while such gate or barrier is closed or is being opened or closed.

Section 15.1. Trains not to Block Crossings. No person shall cause or permit any railway train or railway cars or similar vehicle on rails to stop or stand or to be operated in such a manner as to prevent the use of any street for the purposes of travel for a period of time longer than ten (10) minutes, except that this provision shall not apply to railway trains, cars or similar vehicles on rails while blocking or obstructing a crossing because of an accident which requires the operator of the train, car or similar vehicle on rails to stop at or near the scene of the accident.

ARTICLE XVI SPECIAL SPEED ZONES

Section 16.3. Regulation of Speed by Traffic Signals. The city traffic engineer is authorized to regulate the timing of traffic signals so as to permit the movement of traffic in an orderly and safe manner at speeds slightly at variance from the speeds otherwise applicable within the district or at intersections, and shall erect appropriate signs giving notice thereof.

Title 11

(RESERVED)

Do Not File...

Insert

*12 Streets,
Sidewalks and
Public Places*

Tab Here



Title 12

STREETS, SIDEWALKS AND PUBLIC PLACES

Chapters:

- 12.04 Datum Plane**
- 12.07 Parades and Block Parties**
- 12.08 Street and Sidewalk Construction and Improvements**
- 12.12 Street and Sidewalk Obstructions**
- 12.16 Select System Streets**
- 12.20 Excavations**
- 12.24 Parking and Business Improvement Area**
- 12.28 Encroachments**
- 12.32 Trashbin Encroachment Permits**
- 12.36 Municipal Parking Lots**
- 12.40 Municipal Swimming Facilities**
- 12.44 Airport Regulations**
- 12.48 Parks and Recreational Facilities**

Chapter 12.04**DATUM PLANE****Sections:****12.04.010 City datum plane.****12.04.010 City datum plane.**

The official bench mark or datum monument within the city shall be the top of that certain boat spike head, set in the top of a cement concrete monument, flush with the surface of the ground, 3.3 feet northerly and 2.3 feet westerly of that certain pump house of the city located in the northeasterly corner of the city park on the southerly side of Mildred Street and the westerly side of Tyler Avenue, the location of the spike head being more particularly described as follows: A point in Lot "A" of Tract No. 10623 in the city of El Monte, county of Los Angeles, state of California, as per map recorded in Book 164, pages 15 and 16 of Maps in the office of the County Recorder of such county, distant southerly 44.50 feet, along a line drawn at right angles from a point in the northerly line of Lot "C" of Tract No. 10623, such northerly line being the centerline of Mildred Street, fifty (50) feet wide, the last mentioned point being distant westerly measured along the northerly line and easterly prolongation thereof 128.90 feet from the intersection of the easterly prolongation of such northerly line with the centerline of Tyler Avenue, formerly Tyler Street, eighty (80) feet wide, as shown upon map of Tract No. 10623; and the elevation of such official bench mark is established as 271.444 feet above sea level, or the city datum plane. (Prior code § 7100)

Chapter 12.07

PARADES AND BLOCK PARTIES

Sections:

12.07.010	Definitions.
12.07.020	Permit required.
12.07.030	Application for permit.
12.07.040	Indemnity and insurance.
12.07.050	Notification.
12.07.060	Issuance of permit.
12.07.070	Notice of decision.
12.07.080	Alternative date, time or route.
12.07.090	Appeals.
12.07.100	Contents of permit.
12.07.110	Conduct and duties of permittee.
12.07.120	Exceptions.
12.07.130	Revocation of permit.
12.07.140	Emergency suspensions.
12.07.150	Interference.
12.07.160	Reimbursement of costs.
12.07.170	Penalty for violation.

12.07.010 Definitions.

For the purposes of this chapter, the following terms shall have the meanings stated in this section:

“Applicant” means any person who applies for a parade or block party permit pursuant to this chapter.

“Block party” means any organized function or activity designed to utilize an entire street or streets for a specific purpose.

“City” and “city of El Monte” both mean the city of El Monte, California, a municipal corporation located in the county of Los Angeles.

“City Council” means the five (5) member legislative body of the city of El Monte, as defined under Chapter 2.04 (City Council) of Title 2 (Administration and Personnel) of the El Monte Municipal Code.

“Expressive activity” means conduct, the sole or principal object of which is the expression, dissemination or communication by verbal, visual, literary or auditory means of opinion, views or ideas. Expressive activity includes, but is not limited to, public oratory and the non-commercial distribution of literature.

“License and Treasury Division” means the License and Treasury Division of the El Monte Administrative Services Department located at El Monte City Hall East, 11333 Valley Boulevard, El Monte, California 91731.

“Parade” means any parade, march, procession, ceremony, exhibition, or pageant of any kind, consisting of people, animals or vehicles or combination thereof, upon

any public street, sidewalk or alley, which does not comply with normal and usual traffic regulations and controls.

“Permit Committee” means the El Monte Permit Committee organized pursuant to Section 5.12.010 of the El Monte Municipal Code.

“Permittee” means any person who has been issued a parade permit pursuant to this chapter.

“Person” means and includes any individual, firm, partnership, association, corporation, company, or organization of any kind. (Ord. 2656 § 2 (part), 2005: Ord. 2632 § 2 (part), 2004)

12.07.020 Permit required.

No person shall engage in, conduct or carry on the activity of a parade or block party without a parade or block party permit issued pursuant to the provisions of this chapter. (Ord. 2656 § 2 (part), 2005: Ord. 2632 § 2 (part), 2004)

12.07.030 Application for permit.

A. Any person desiring to conduct a parade or block party shall apply to the Permit Committee for a permit at least thirty (30) days in advance of the date of the proposed parade or block party. The City Manager or designee may, for good cause shown, consider any application for a permit to conduct a parade or block party which is filed less than thirty (30) days prior to the date such parade or block party is to be conducted. The application for such permit shall be on a form provided by the Permit Committee, shall be verified, and shall contain the following information:

1. The name, address and telephone number of the person seeking to conduct a parade or block party;
2. If the parade or block party is proposed to be conducted for, on behalf of or by an organization, the name, address and telephone number of the headquarters of the organization, and of the responsible officer of such organization;
3. The name, address and telephone number of the parade or block party chairman, or the individual(s) otherwise responsible for the supervision of the parade or block party (such individual(s) shall be present during the entire parade or block party);
4. The date upon which the parade or block party is to be held;
5. The proposed starting time for such parade or block party and its proposed ending time;
6. The proposed route to be traveled, including the starting point and termination point;
7. The estimated number of persons, animals, and vehicles taking part in the parade or block party, including the type of animals and a description of the vehicles;

8. Whether such parade or block party will occupy all or only one-half of the width of the streets proposed to be traversed;

9. The location by streets to be utilized of assembly and disassembly points for the parade or block party;

10. The time at which units of the parade or block party will begin assembly in the assembly area;

11. The maximum length of the components of the parade or block party;

12. Such additional information as the Permit Committee shall deem reasonably necessary in determining whether or not the permit shall issue under the standards set forth below.

B. Parade or block party permit applications shall be considered filed when they are personally delivered along with all supporting materials to the License and Treasury Division. (Ord. 2656 § 2 (part), 2005; Ord. 2632 § 2 (part), 2004)

12.07.040 Indemnity and insurance.

A. Each permit shall expressly provide that the permittee agrees to defend, protect, indemnify and hold free and harmless the city of El Monte, its officers, employees and agents from and against any and all claims, damages, expenses, loss or liability of any kind or nature whatsoever (including damage to property and injury to, or death of persons) arising out of, or resulting from the alleged acts or omissions of the permittee, its officers, agents or employees in connection with the permitted parade or block party; and the permit shall expressly provide that the permittee shall, at the permittee's own cost, risk and expense, defend any and all claims or legal actions that may be commenced or filed against the city of El Monte, its officers, employees or agents, and that the permittee shall pay any settlement entered into and shall satisfy any judgment that may be rendered against the city of El Monte, its officers, employees or agents as a result of the alleged acts or omissions of the permittee or the permittee's officers, agents or employees in connection with the uses, events or activities authorized under the parade or block party permit.

B. As a condition precedent to the issuance of a parade or block party permit, the applicant shall procure general liability insurance from an insurance carrier licensed to do business in the state of California and having a financing rating in Best's Insurance Guide of at least "B." Such insurance shall provide "occurrence" coverage against liabilities for death, personal injury or property damage arising out of or in any way connected with the parade or block party. Such insurance shall be in the amount of at least two million dollars (\$2,000,000.00)

combined single limit, and shall name the city of El Monte and its officers, employees and agents as additional insureds under the coverage afforded. Also, such insurance shall be primary and noncontributing with respect to any other insurance available to the city of El Monte and shall include a severability of interest (cross-liability) clause. Evidence in the form of certificates of insurance and endorsements shall be submitted to the Permit Committee upon the submission of the parade or block party permit application. Such insurance shall be maintained and effective at least until the completion of the parade or block party.

C. If the Permit Committee finds, after consultation with the city's Risk Manager, that a particular parade or block party does not present a substantial or significant public liability or property damage exposure for the city of El Monte as proposed or that the parade or block party does not present a substantial or significant public liability or property damage exposure for the city of El Monte with the addition of certain mitigating conditions, the Permit Committee may give a written waiver of the insurance requirements of this section.

D. The insurance requirement set forth under this section shall not be construed to apply to parades or block parties involving expressive activity which enjoys protection under the United States or California constitutions, except that such parades or block parties shall be required to either: (1) agree to indemnify, protect, defend and hold harmless the city of El Monte, its officers and employees against all claims, damages, expenses, loss or liability of any kind or nature whatsoever arising out of, or resulting from, the alleged acts or omissions of the permittee, its officers, agents or employees in connection with the permitted parade or block party; (2) agree to redesign and/or reschedule the parade or block party as proposed to respond to specific risks, hazards and dangers to the public health and safety identified by the Permit Committee as being reasonably foreseeable consequences of the permitted parade or block party; or (3) provide insurance coverage, as required by subsection B of this section.

E. A claim for exclusion and alternative treatment under subsection D of this section shall be filed with and at the same time as an application for a parade or block party permit, and an agreement or proof of insurance, as applicable, shall be provided prior to permit issuance. The Permit Committee may require such proof and documentation as it may deem reasonably necessary to verify the constitutionally protected status of the parade or block party and the applicability of subsection D of this section. (Ord. 2656 § 2 (part), 2005; Ord. 2632 § 2 (part), 2004)

12.07.050 Notification.

Upon receipt of the application, the Permit Committee shall transmit notice and a copy of such application to the following:

- A. The City Manager;
- B. The Chief of Police;
- C. The Fire Chief of Los Angeles County or his or her designee;
- D. The Code Enforcement Supervisor for the city of El Monte;
- E. The Deputy City Manager for Community Services;
- F. The Public Works Maintenance Division;
- G. The City Engineer; and
- H. Any public transportation and/or emergency service provider potentially affected by the closure of public streets.

Each of the foregoing may review and provide a written report to the Permit Committee within five (5) business days after the filing of the parade or block party permit application. Immediately upon the grant of a permit, the Permit Committee shall transmit a copy thereof to each of the departments and organizations in this section. (Ord. 2656 § 2 (part), 2005; Ord. 2632 § 2 (part), 2004)

12.07.060 Issuance of permit.

A. The Permit Committee (or, in the case of an appeal, the City Council, the City Manager or the City Manager's designee, whichever the case may be) shall issue a permit for a parade or block party upon a finding that:

- 1. The conduct of the parade or block party will not substantially interrupt the safe and orderly movement of traffic contiguous to its route;
- 2. The conduct of the parade or block party will not require a diversion of so great a number of police officers to properly police the line of movement and the areas contiguous thereto as to prevent normal police protection to the rest of the city;
- 3. The concentration of persons, animals and vehicles at the parade or block party or at assembly points of the parade or block party will not unduly interfere with proper fire and police protection of, or ambulance service to, areas in the vicinity of the parade or block party, its assembly area or other areas of the city;
- 4. The conduct of the parade or block party will not unduly interfere with the movement of firefighting equipment en route to a fire or ambulances responding to emergency calls;
- 5. The conduct of the parade or block party is not reasonably likely to cause injury to persons or property, provoke disorderly conduct or create a disturbance;

6. The parade or block party is scheduled to move from its point of origin to its point of termination expeditiously and without unreasonable delays en route;

7. The parade or block party is not proposed for a time and location for which another parade or block party permit or other traffic-generating event has been previously issued;

8. The parade or block party is not proposed for a time and location so close in time and/or location in relation to another permitted parade or block party or traffic-generating event as to cause undue traffic congestion or unduly interfere with proper fire and police protection of, or ambulance service to, areas in the vicinity of the proposed parade or block party and the other parade or block party or traffic-generating event;

9. The area proposed for the parade or block party or for the set-up and dispersal of the parade or block party is capable of physically accommodating the estimated number of parade or block party participants, as reflected in the application submitted pursuant to the requirements of this chapter;

10. The conduct of the parade or block party will not unduly obstruct or interfere with any construction or maintenance work previously scheduled to take place upon or contiguous to any portion of the proposed route.

B. The Permit Committee (or, in the case of an appeal, the City Council, the City Manager or the City Manager's designee, whichever the case may be) shall deny an application for a parade or block party permit where:

- 1. The Permit Committee, the City Council, the City Manager or the City Manager's designee: (a) makes any finding(s) contrary to the findings required for approval under subsection A of this section, and (b) further finds that such negative findings cannot be sufficiently mitigated by the addition of supplemental conditions; or
- 2. The information contained in the parade or block party permit application is found to be false in any material respect. (Ord. 2656 § 2 (part), 2005; Ord. 2632 § 2 (part), 2004)

12.07.070 Notice of decision.

A. The Permit Committee shall render its decision to approve or deny a parade or block party permit application within fifteen (15) calendar days after the filing of such application.

B. Unless the applicant, or the applicant's representative, is present at the Permit Committee meeting in which the Permit Committee's decision is rendered, the Permit Committee shall notify the applicant of its decision by certified mail, return receipt requested and by facsimile, provided the applicant has provided the Permit Committee

with a fax number. The presence of the applicant or a designated representative of the applicant at the meeting in which the Permit Committee's decision is rendered shall constitute actual notice of the decision. Where mailed notice and, if possible, fax notice, is to be given, such notice shall be deposited in the mail and faxed to the applicant within twenty-four (24) hours from the time the decision is rendered.

C. If a parade or block party permit application is approved as proposed or is approved subject to conditions, the applicant shall acknowledge acceptance by filing a written notice of acceptance and by countersigning the permit where indicated. (Ord. 2656 § 2 (part), 2005; Ord. 2632 § 2 (part), 2004)

12.07.080 Alternative date, time or route.

A. If a parade or block party permit application is denied because the proposed date, time and/or route is found by the Permit Committee to conflict with any of the approval requirements set forth under Section 12.07.060 of this chapter, the Permit Committee may suggest an alternative date(s), time(s), or route(s) and such other conditions found to mitigate any other negative findings of the Permit Committee.

B. If the applicant wishes to accept an alternative proposal, the applicant shall file a notice of acceptance with the Permit Committee within eight (8) business days (excluding Fridays) after the Permit Committee's decision to deny the application is rendered. Once the applicant has filed a notice of acceptance; countersigned the permit where indicated; and otherwise complied with any other requirements of this chapter, the permit shall be issued.

C. If a notice of acceptance is not filed within the time period provided or if the applicant appeals the Permit Committee's denial, the applicant shall be deemed to have rejected the alternative proposal suggested by the Permit Committee. The Permit Committee's denial of the application shall, thereafter, constitute the Permit Committee's final disposition of the matter. (Ord. 2656 § 2 (part), 2005; Ord. 2632 § 2 (part), 2004)

12.07.090 Appeals.

A. Any person aggrieved by the Permit Committee's approval or denial of a parade or block party permit application may appeal such decision to the City Council by filing a written notice of appeal. Such notice of appeal shall be filed with the City Clerk within eight (8) business days (excluding Fridays) from the date of the Permit Committee's decision. A hearing on the appeal shall be conducted at the next regularly scheduled City Council meeting held not less than seventy-two (72) hours from the

filing date of the notice of appeal. Regular meetings of the City Council are scheduled in accordance with Section 2.04.010 of the El Monte Municipal Code, usually the first and third Tuesday of each month. Notices of appeal and all other supporting materials shall be filed in person with the office of the City Clerk.

B. If the appeal relates to a Permit Committee approval, the notice of appeal shall identify with reasonable specificity those findings and/or permit conditions objected to and the reasons for the objections. If the appeal relates to a Permit Committee denial, the appeal shall identify those findings of the Permit Committee objected to and state the reasons for the objections.

C. At the hearing on the appeal, the City Council shall hear oral and written testimony, including the oral and written testimony of the appellant; receive and consider any relevant information, testimony and documents; and act on the appeal. The City Council shall issue a permit for the parade or block party as proposed if it makes the same findings as are otherwise required of the Permit Committee under Section 12.07.060 of this chapter. The decision of the City Council shall be final.

D. If there is insufficient time for a timely filed appeal to be heard by the City Council prior to the proposed date of a parade or block party, the applicant may, at its option, make a written request that the City Clerk schedule the appeal before the City Manager or the City Manager's designee. The City Manager or the City Manager's designee shall hold a hearing on the appeal no later than the second business day after the filing of the appeal, and shall render his or her decision no later than the next business day after hearing the appeal. The City Manager or the City Manager's designee shall issue a permit for the parade or block party if he or she makes the same findings otherwise required of the Permit Committee under Section 12.07.060 of this chapter. If the appeal is heard before the City Manager or the City Manager's designee, such decision shall be final. (Ord. 2656 § 2 (part), 2005; Ord. 2632 § 2 (part), 2004)

12.07.100 Contents of permit.

Each parade or block party permit issued shall specify the following information:

- A. The date of the parade or block party;
- B. The authorized parade route or block party;
- C. The assembly area and the time of assembly;
- D. The starting time and ending time of the parade procession or block party;
- E. The estimated number of persons expected to participate in the parade or block party;
- F. The minimum and maximum speeds to be maintained by vehicles in the parade or block party, if any;

G. The maximum length of components of the parade or block party in miles or fraction thereof;

H. The maximum interval of space to be maintained between units of the parade or block party;

I. The specific portions of streets that are to be maintained between units of the parade or block party;

J. The disassembly area and time therefore;

K. Such other information, as the issuing body shall find necessary for the enforcement of this chapter;

L. Such other standard conditions, as may be required under this chapter;

M. Such other additional conditions, as the issuing body finds necessary to mitigate any negative finding made under Section 12.07.060 of this chapter. (Ord. 2656 § 2 (part), 2005; Ord. 2632 § 2 (part), 2004)

12.07.110 Conduct and duties of permittee.

A. Each permittee hereunder shall comply with all terms, conditions and provisions of the parade or block party permit and with all applicable laws of the state of California and the city of El Monte. Each permittee shall ensure that the person(s) in charge of the parade or block party (i.e., parade or block party officials) will at all times carry a copy of such permit on his or her person during the conduct of the parade or block party.

B. Each permittee shall designate one supervising official to be in overall charge of the parade or block party, and one official to be in charge of the parades or block parties' assembly area. The permittee shall also station one parade or block party official at each entrance of the assembly area, if applicable, and shall also assign at least one parade or block party official for every fifteen (15) parade or block party participants to oversee and direct the safe and orderly movement of the parade or block party procession.

C. If applicable, each permittee shall assign a minimum of two (2) parade or block party officials to the reviewing area to ensure that event units do not spend longer than two (2) minutes at this location.

D. Each permittee shall designate one parade or block party official to be in overall charge of the disassembly area. The permittee shall also station one parade or block party official at each entrance of the disassembly area, if applicable, and at least one parade or block party official for every fifteen (15) parade or block party participants to oversee and control the proper and safe disassembly of the parade or block party participants and any animals or vehicles participating in the parade or block party.

E. The permittee shall ensure that each designated parade or block party official is readily distinguishable through some visible means of identification.

F. The permittee shall ensure that each parade or block party official is provided with specific instructions describing their duties and responsibilities.

G. The permittee shall be responsible for ensuring that any and all vehicles in the parade or block party procession are operated in a safe manner consistent with operational and mechanical requirements of the California Vehicle Code ("CVC"). The use of altered suspensions, occupancy loads and/or modified power sources shall be prohibited. Approval of minor vehicle modifications may be sought and obtained from the appropriate public safety agency (e.g., the California Highway Patrol, the Los Angeles County Fire Department or the El Monte Police Department).

H. Any signs with supports shall have supports, which are made of wood, blunt at each end, not exceeding forty (40) inches in length, be one-fourth inch or less in thickness and two (2) inches or less in width.

I. Use of amplification devices shall be prohibited unless specifically allowed via conditions on the permit. (Ord. 2656 § 2 (part), 2005; Ord. 2632 § 2 (part), 2004)

12.07.120 Exceptions.

The provisions of this chapter shall not apply to funeral processions or to governmental agencies acting within the normal scope of their authorized functions. (Ord. 2656 § 2 (part), 2005; Ord. 2632 § 2 (part), 2004)

12.07.130 Revocation of permit.

A. The Permit Committee shall revoke a permit authorizing a parade or block party if it finds that there are grounds for denying the permit, which were first disclosed or otherwise made known to the Permit Committee after issuance of the permit and such facts were not discoverable by the exercise of due diligence by the Permit Committee prior to the issuance of the permit.

B. The Permit Committee, the City Manager or the Chief of Police may revoke a permit authorizing an event if it is determined that the event is being conducted in violation of the terms of the permit or that event participants have violated any applicable law or regulation; provided, that this subsection shall not authorize the revocation of a permit because of the need to protect participants from the conduct of others unless there are insufficient resources available to provide necessary police protection; and provided, further, that the Permit Committee shall not revoke a permit pursuant to this subsection unless and until it advises the permittee of such violation and provides a reasonable opportunity to correct such violation.

C. When the Permit Committee finds grounds to revoke a permit prior to the date of the parade or block party,

it shall immediately serve a written notice of such decision on the permittee and shall provide copies of the notice to the City Manager, the City Attorney and all other city officials charged with carrying out any responsibilities under this chapter. However, where the Permit Committee, the City Manager or the Chief of Police learns of the facts justifying revocation within twenty-four (24) hours of the parade or block party, the decision to revoke the permit shall be announced at the site of the parade or block party. Thereafter, the Permit Committee shall deliver written notice of such action to the permittee, the City Manager and the City Attorney.

D. The permittee shall have a right to a hearing before the City Council at its first regularly scheduled meeting on or after the day following the filing of a notice appealing the revocation, provided that the parade or block party is scheduled at least forty-eight (48) hours after the notice of appeal is filed. The hearing on an appeal of a revocation shall be conducted in the same manner as an ordinary appeal under Section 12.07.090 of this chapter.

E. Any notification of action by the Permit Committee taken pursuant to this section, whether oral or written, shall describe with particularity the facts and reasons for the decision. (Ord. 2656 § 2 (part), 2005; Ord. 2632 § 2 (part), 2004)

12.07.140 Emergency suspensions.

The Permit Committee, City Manager or the Chief of Police shall temporarily suspend a parade or block party authorized by a permit whenever there is a fire or other life-threatening emergency that requires the parade or block party to be temporarily suspended to protect public safety. When an event is temporarily suspended pursuant to this section, the Permit Committee, City Manager or the Chief of Police shall notify in writing the permittee within twenty-four (24) hours after the suspension, describing with particularity the facts and the reasons for the suspension. (Ord. 2656 § 2 (part), 2005; Ord. 2632 § 2 (part), 2004)

12.07.150 Interference.

No person shall knowingly join or participate in any parade or block party conducted under permit from the Permit Committee in violation of any terms of such permit, nor shall any person knowingly join or participate in any permitted parade or block party without the consent of the permittee, nor in any manner interfere with the parades or block parties progress or orderly conduct. (Ord. 2656 § 2 (part), 2005; Ord. 2632 § 2 (part), 2004)

12.07.160 Reimbursement of costs.

A. As a condition precedent to the issuance of a parade or block party permit, the permittee shall make a deposit in an amount designated by the Permit Committee with the city for the reimbursement of the estimated costs incurred by the city for traffic control and other functions related to the event. If the city's actual expenses should later prove to be more than the amount deposited, the difference shall be paid to the city by the permittee. If the city's actual expenses should prove to be less than the amount deposited, the excess of the deposit shall be refunded to the permittee.

B. The reimbursement requirement set forth under this section shall not be construed to apply to parades or block parties involving expressive activity which enjoys protection under the United States or California constitutions. A claim for exclusion under this section shall be filed with and at the same time as an application for a parade or block party permit. The Permit Committee may require such proof and documentation, as it may deem reasonably necessary to verify the constitutionally protected status of the parade or block party and the applicability of this section. (Ord. 2656 § 2 (part), 2005; Ord. 2632 § 2 (part), 2004)

12.07.170 Penalty for violation.

Any violation of this chapter or the terms or conditions of a parade or block party permit by the permittee or any participant in a parade or block party is a misdemeanor. (Ord. 2656 § 2 (part), 2005; Ord. 2632 § 2 (part), 2004)

Chapter 12.08**STREET AND SIDEWALK CONSTRUCTION
AND IMPROVEMENTS****Sections:**

12.08.010	Improvements.
12.08.020	Permits.
12.08.030	Permit fees.
12.08.040	Plan checking fees.
12.08.050	Licensed contractor.
12.08.060	Commencement of work.
12.08.070	Inspections.
12.08.080	Plans, specifications and standards.
12.08.090	Concurrent improvement.
12.08.100	Violation—Penalty.

12.08.010 Improvements.

No person shall make any improvement in any street, alley or city easement unless a permit from the City Engineer is first secured and unless the permit fees specified in this chapter are first paid to the city. The term "improvement" as used in this chapter means and includes the grading or regrading, the placing of base material in, and the paving or repaving of any street or alley; the construction or reconstruction of any sidewalk, driveway approach, curb, curb and gutter, alley gutter or cross-gutter; the planting of any tree; the installation or repair of any sanitary sewer line or appurtenant facilities; and the installation or repair of any storm drain line or appurtenant facilities. (Prior code § 7200)

12.08.020 Permits.

Every permit granted by the City Engineer for the making of any such improvement shall be deemed to have been granted subject to the terms of this chapter and the permit therefor shall not be transferable. Before any such permit shall become effective for any purpose, there shall have been paid to the city the permit fees computed by the City Engineer in accordance with Section 12.08.030 of this chapter. Every such improvement shall be made under the direction of and to the satisfaction of the City Engineer, and all such work shall, during its progress and on its completion, conform to the lines and levels which may from time to time be given by the City Engineer. (Prior code § 7201)

12.08.030 Permit fees.

To cover the cost of supervision by the City Engineering Department for the inspection of construction or re-

construction of any such improvement, the following permit fees shall be paid:

A. Fifty dollars (\$50.00) for the first one hundred (100) lineal feet or fraction thereof of sidewalk and ten dollars (\$10.00) for each additional one hundred (100) lineal feet or fraction thereof of sidewalk;

B. Fifty dollars (\$50.00) for the first one hundred (100) lineal feet or fraction thereof of curb and gutter or either thereof, and ten dollars (\$10.00) for each additional one hundred (100) lineal feet or fraction thereof of curb and gutter or either thereof;

C. Fifty dollars (\$50.00) for each driveway approach;

D. For all other improvements, the permit fee shall be five (5) percent of the estimated cost of such improvements. The estimated cost of improvements shall be an amount approved by the City Engineer. In no event shall the minimum permit fee be less than one hundred fifty dollars (\$150.00). (Prior code § 7201.1)

12.08.040 Plan checking fees.

To cover the cost of checking and approving construction plans for any such improvements submitted to the City Engineer for approval, a plan check charge of one hundred dollars (\$100.00) per sheet shall be paid to the city. (Prior code § 7201.1.1)

12.08.050 Licensed contractor.

Permits to make improvements in streets, alleys and easements will be issued only to contractors duly licensed therefor by the state. (Prior code § 7201.3)

12.08.060 Commencement of work.

The City Engineer shall be given at least twenty-four (24) hours' notice in advance of the time of commencement of the work of making any such permitted improvements in order that an inspector may be assigned to inspect the same. In case the services of such City Engineer are required for laying out any portion of the work, forty-eight (48) hours' notice in advance shall be given to the City Engineer of the time when such services shall be required. No such work shall be commenced until after such notice has been given and the necessary engineering work completed. (Prior code § 7202)

12.08.070 Inspections.

It shall be the duty of the City Engineer to cause such improvements made to be duly inspected and supervised during the progress of the work, and otherwise to carry out the provisions of this chapter. (Prior code § 7203)

12.08.080 Plans, specifications and standards.

All improvements constructed or installed for which a permit is required by this chapter shall be constructed or installed in accordance with plans signed by the City Engineer which conforms with the "Standard Specifications for Public Works Construction, 1994 Edition" except as to Section 300-1.3.2(c) thereof which shall be amended to read as follows:

300-1.3.2(c) CONCRETE CURB, GUTTERS, CROSS GUTTERS, DRIVEWAYS AND ALLEY INTERSECTIONS. Concrete shall be removed to neatly sawed edges with saw cuts made to a minimum depth of 1 1/2 inches. Concrete sidewalk or driveway to be removed, or replaced after a utility cut, shall be removed to the nearest construction joint, expansion joint, score line or edge. Curb and gutter to be removed shall be sawed to a depth of 1 1/2 inches on a neat line at right angles to the curb face.

(Prior code § 7209)

12.08.090 Concurrent improvement.

A. No structure shall hereafter be erected, nor shall any alteration of or addition to an existing structure hereafter made where the reasonable value of such alteration or addition, as determined by the Building Official for the purpose of establishing the applicable permit fee due under the Building, Plumbing and Electrical Codes, is one thousand five hundred dollars (\$1,500.00) or more, unless concurrently with such construction, addition or alteration curbs and gutters, driveway approaches and sidewalks be constructed, and parkway trees be planted where the parkway area exceeds seven (7) feet in width, in accordance with the plans and specifications described in Section 12.08.080 adjacent to the entire width of the lot or parcel of property for which any such permit is issued, or unless all existing curbs and gutters, driveway approaches, sidewalks and parkway areas be made to conform to the plans and specifications described in Section 12.08.080 if they do not already so conform. Whenever parkway trees are required, the planting thereof shall be of the type and size and at the locations and in the manner specified by the Director of Public Works. Except as to property which abuts any select system street specified in Section 12.16.010 of this title or which abuts any portion of Denholm Street, on any portion of Parkway Drive, on the portion of Elliott Avenue southerly of Mountain View Road, on Meeker Avenue between Peck Road and Garvey Avenue, on Montecito Drive between Tyler Avenue and Peck Road, on Arden Way between Lower Azusa Road and Arden Drive, on Merced Avenue between Garvey Avenue and Rio Hondo Park-

way, on Rio Hondo Parkway from Merced Avenue to Mildred Street, or on Mildred Street from Rio Hondo Parkway to Hoyt Avenue, sidewalks and parkway trees shall not be deemed to be required by this section with respect to any property classified in any residential zone if upon completion of the work covered by the permit for which application has been made, such property shall contain less than three (3) dwelling units.

B. Exception. Where the construction, alteration or addition consists solely of the installation or replacement of mechanical equipment, the provisions of the preceding section shall not apply.

C. Deposit. When in the opinion of the City Engineer the installation of curbs and gutters will create a drainage or maintenance problem if installed prior to the similar improvement of other properties in the immediate vicinity, property may be improved notwithstanding subsection A of this section if, prior to such improvement, there is deposited in cash with the city by or on behalf of the property owner the amount estimated by the City Engineer to pay the cost of driveway approach and curb and gutter installation at a future date. All sums thus deposited shall be used to defray the cost of such installation, and when thus installed the portion of such deposit exceeding the cost of such driveway approaches and curbs and gutters shall be refunded without interest to the person making the deposit. Any sums thus deposited and not used within ten (10) years after the date of such deposit shall, upon written request of the depositor, be returned without interest to the depositor. Whenever sidewalks are required to be constructed by subsection A of this section and curbs and gutters have been installed adjacent to the property for which sidewalks are thus required, all sidewalks required by said subsection A of this section shall be installed concurrent with the other improvement of the property.

D. Covenant in Lieu of Deposit. In lieu of making the deposits specified in subsection C of this section, the property owner may execute a covenant, in recordable form approved by the City Attorney, which covenant by its terms shall obligate such property owner, his heirs, successors and assigns, to construct all improvements required by subsection A of this section whenever fifty (50) percent of the front footage on the same side of the street within the same block has been similarly improved, or whenever the owners of more than sixty (60) percent of the front footage of the same block on the same side of the street have by written petition filed with the City Clerk requested the installation of such improvements. Any property owner who executes and files with the city a covenant pursuant to this section shall first satisfy the city that he or she is the owner of such property and that

he or she has the full legal right to execute such a binding covenant.

E. In Dedication Area. When dedication is required by the provisions of Section 12.16.010 of this title, improvements existing in the street prior to its widening shall not be required to be reconstructed by the applicant when the street is widened. The cost of such reconstruction in the widened portion of the street shall be borne by the city. (Prior code §§ 7209.1—7209.4)

12.08.100 Violation—Penalty.

If a person shall commence any work in a street, alley or easement for which a permit is required by this chapter before all required permits shall have been obtained, he or she shall pay, in addition to the permit fees required to be paid in accordance with Section 12.08.030, an additional penalty in an amount equal to the permit fee for the work which was unlawfully commenced. Such penalty shall be in addition to any other penalty otherwise provided by this code or other law. (Prior code § 7201.2)

Chapter 12.12**STREET AND SIDEWALK OBSTRUCTIONS****Sections:****12.12.010 Obstruction of streets.****12.12.010 Obstruction of streets.**

A. No person shall place upon any street any vehicle, sign, boxes, goods, building materials or any other article except as expressly permitted by this chapter or by other sections of this code.

B. Except as expressly permitted by this chapter or by any section of this code, and except as to shade or ornamental trees planted or maintained in a parkway under authorization of the Director of Public Works, no person shall cause or permit any building, structure, sign, boxes, goods, building materials, refuse, or any portion of a tree, bush or plant to be or to remain in, on or above any public street or alley right-of-way. (Prior code §§ 3231—3231.1)

Chapter 12.16**SELECT SYSTEM STREETS****Sections:**

- 12.16.010** **Select system street as used in this chapter.**
- 12.16.020** **Select system street dedication.**
- 12.16.030** **Dedication procedure.**
- 12.16.040** **Computation of required yards.**

12.16.010 Select system street as used in this chapter.

The select system street shall mean the following streets:

Alloway Street;
 Arden Drive, north of Valley Boulevard;
 Baldwin Avenue;
 Bryant Road between Peck Road and Tyler Avenue;
 Cedar Avenue between Lower Azusa Road and Bryant Road;
 Central Avenue, south of Garvey Avenue;
 Cogswell Road, between Garvey Avenue and Hemlock Street;
 Cypress Avenue, south of Bryant Road;
 Denholm Drive between Durfee Avenue and Parkway Drive;
 Durfee Avenue, south of Ramona Boulevard;
 Elliott Avenue between Mountain View Road and Parkway Drive;
 El Monte Avenue, north of Lower Azusa Road;
 Exline Street, west of Durfee Avenue;
 Garvey Avenue;
 Hemlock Street between Peck and Cogswell Road;
 Hoyt Avenue;
 Lambert Road between Tyler Avenue and Cogswell Road;
 Lansdale Street, east of Mountain View Road;
 Lower Azusa Road;
 Meeker Avenue, between Valley Boulevard and Peck Road;
 Merced Avenue, south of Garvey Avenue;
 Mountain View Road;
 Parkway Drive;
 Peck Road;
 Potrero Street, south of Garvey Avenue;
 Ramona Boulevard;
 Santa Anita Avenue;
 Stewart Street, east of Peck Road;
 Tyler Avenue;
 Valley Boulevard. (Prior code § 7210)

12.16.020 Select system street dedication.

A. Except as to lots in Zone R-1a, R-1b, R-1c or R-2, no building permit shall be issued for and no building or structure shall be erected, enlarged or moved onto any lot which abuts a select system street unless right-of-way between such lot and the center of the select system street which abuts has been dedicated for the full width of such lot to the future property line as shown on the city zoning map Z-1 described in Section 17.30.020 of this code.

B. Exceptions. The maximum area of land required to be so dedicated shall not exceed twenty-five (25) percent of the area of any such lot as the same was of record on July 1, 1967, in the Los Angeles County Recorder's Office. In no event shall such required dedication reduce the lot to a width of less than fifty (50) feet nor to an area of less than five thousand (5,000) square feet.

C. No dedication shall be required with respect to those portions of a lot occupied by a main building which was existing on July 1, 1967, unless the building permit applied for provides that such main building is to be removed prior to the occupancy of the building or structure for which the building permit was applied for.

D. Dedication shall not be required when the building permit is for any of the following construction:

1. One single-family dwelling with customary accessory buildings when erected on a vacant lot.
2. Additions and accessory buildings incidental to a residential building legally existing on the lot, provided no additional dwelling units or guest rooms are created.
3. Construction of additions and accessory buildings incidental to other than a residential building existing on the lot on July 1, 1967, for which the value of such construction on the building permit is less than one thousand dollars (\$1,000.00). (Prior code §§ 7210.1—7210.4)

12.16.030 Dedication procedure.

Any person required to dedicate land by the provisions of this chapter shall make an irrevocable offer to dedicate such land for public street purposes in the form approved by the City Attorney properly executed by all parties of interest including beneficiaries and trustees in deeds of trust as shown by a current preliminary title report prepared by a title company and furnished at applicant's expense. Such offer shall, by its terms, be binding on the owner, his or her heirs, assigns or successors in interest, and shall continue in effect until such offer is rejected by the City Council. The offer shall be accompanied by tender of a grant deed to the city for street purposes which deed may be accepted at any time by the city. For purposes of this chapter, dedication shall be considered as satisfactorily assured when the offer to dedicate in the

form approved by the City Attorney and accompanied by tender of grant deed as required by this section, has been accepted for recordation by the Director of Public Works. After such time the building permit applied for may be issued in compliance with the provisions of this chapter. (Prior code § 7210.5)

12.16.040 Computation of required yards.

No building or structure shall be erected or moved onto any area required to be dedicated by this chapter, nor within any required front yard or required streetside sideyard measured from the front property line or streetside property sideline which would result from the dedication of property in accordance with this chapter. (Prior code § 7210.6)

Chapter 12.20**EXCAVATIONS****Sections:**

12.20.010	Excavations.
12.20.020	Pavement restoration fees.
12.20.030	Utility companies.
12.20.040	Permit.
12.20.050	Refilling.
12.20.060	Temporary pavement.
12.20.070	Tunnels.
12.20.080	Trenching.
12.20.090	Crossings.
12.20.100	Lights.
12.20.110	Funds.
12.20.120	Depths.
12.20.130	Maps.
12.20.140	Abandonment.
12.20.150	Failure to file maps.
12.20.160	Inspection, supervision, permit and fees.
12.20.170	Exhibition of permit.
12.20.180	Filing of plans.
12.20.190	Special permits.
12.20.200	Exceptions.
12.20.210	Emergency work.
12.20.220	Rights of use.
12.20.230	Payment by utilities.

12.20.010 Excavations.

A. No person shall make any excavation in or under the surface of any street for the installation, repair or removal of any pipe, conduit, duct or tunnel or for any other purpose, without first obtaining from the City Engineer a written permit to make such excavation and make a deposit to cover the cost of inspection of restoring such street to its original condition, all as hereinafter in this chapter provided. The person intending to make any such excavation shall file with the City Engineer a written application for a permit for such excavation, and shall pay to the City Engineer such sum or sums as are required by this chapter to be paid. Such application shall contain the name and residence or business address of the person making such application and shall state in detail the location and area of each excavation intended to be made. If required by the City Engineer, such application shall be accompanied by a plat showing the location of each proposed excavation, the purpose for which the same is to be used and such other details as said City Engineer may require to be shown upon such plat; provided however, that the filing of a plat shall not be re-

quired when excavations are made for service connections for the location of trouble in conduits or pipes or for making repairs thereto. If the City Engineer shall require a plat as hereinbefore mentioned, the plat shall be filed in the office of the said City Engineer as a public record.

B. No person shall make any excavation or install or maintain any tank, pipe, conduit, duct or tunnel in or under the surface of any street at any location other than that described in the application and shown on the plat filed by such person as required by the provisions of this chapter. (Prior code §§ 7300, 7301)

12.20.020 Pavement restoration fees.

Any person intending to make any excavation in any street shall pay to the City Engineer the following sums for work performed by the city pursuant to such excavation:

A. Asphalt pavement: \$4.00 per sq. ft. with a \$250.00 minimum;

B. Concrete pavement and driveway approach: \$6.50 per sq. ft. with a \$300.00 minimum;

C. Curb and gutter: \$25.00 per lineal ft. with a \$250.00 minimum;

D. Sidewalk: \$5.00 per sq. ft. with a \$200.00 minimum. (Prior code § 7302)

12.20.030 Utility companies.

Utility companies making street excavations in streets may elect to replace such excavations with permanent paving using their own employees or contractor or they may pay to the city the appropriate pavement restoration fees and the city will place the required permanent paving. If a utility company elects to replace their excavations with permanent paving, such permanent paving shall be in place within forty-five (45) calendar days from the time that temporary paving is placed over the excavation. If the temporary paving is not replaced with permanent paving within this required time, the city will remove the temporary paving and place the required permanent paving. If the city performs this work, the applicable utility company will be billed for the work performed in accordance with the appropriate pavement restoration fees plus an administrative charge of seventy-five dollars (\$75.00) for each excavation cut where permanent paving is required to be placed by the city. Payment for any charge required by this section will be billed in accordance with Section 12.20.230. (Prior code § 7302.1)

12.20.040 Permit.

Upon the presentation to said City Engineer the payment of all sums required under any of the provisions of this chapter and upon the filing of a plat when such plat

is required, the City Engineer shall issue a written permit to make such excavation, provided, however, that whenever a permit for any excavation in any street has been issued the City Engineer may refuse to issue other permits for excavations in such street until such excavation is made and refilled, if in his judgment such additional excavations shall interfere with the public use of such street for travel thereon. Said permit shall specify the person to whom the same is issued; the street and the particular portion or portions thereof to be excavated and the extent of such excavation. No permit shall be transferable. Every such permit for any "house," "lateral connections" or "public utility service connection or facility" excavations mentioned in this chapter shall become and be void unless the excavation to be made pursuant thereto is commenced within ten (10) days from the date of issuance of such permit and the work to be done pursuant thereto shall be done and the excavation refilled in the manner required by this chapter within three (3) working days after the work of such excavation is commenced and nothing herein contained shall be deemed or construed to allow a longer period of time therefor. No "house," "lateral connection" or "public utility connection or facility" excavation shall be left unfilled over Saturday and Sunday. Every such permit for any "main" excavation mentioned in this chapter shall become and be void unless the excavation to be made pursuant thereto is commenced within sixty (60) days from the date of the issuance of such permit, and the work to be done pursuant thereto shall be done and the excavation refilled in the manner required by this chapter within five (5) working days for the first one hundred (100) feet of said "main" excavation and one additional working day for each additional one hundred (100) feet or fraction thereof of said "main" excavation after the work has commenced. Provided, however, that the City Engineer may grant a reasonable extension of time for a period not exceeding thirty (30) days for the performance of such work and the refilling of any excavation under this chapter whenever the City Engineer shall deem that good cause exists therefor and provided further, that if any such extension of time be granted such permit shall become and be void unless all such work shall be done and such excavation refilled in the manner required by this chapter prior to the expiration of such extension of time. (Prior code § 7303)

12.20.050 Refilling.

All excavations shall be refilled in the following manner: In streets which have not been macadamized, paved or oiled and where water is available and where in the opinion of said City Engineer the material excavated can

be properly settled by the use of water, the trench may be filled to within not less than one foot from the surface and shall then be thoroughly flooded and the material settled by poling or with shovels. If required by the City Engineer the filling shall be settled at not more than two (2) intermediate depths to be determined by the said City Engineer before it is brought to within one foot of the surface. After the material has been allowed to settle, the trench shall be filled to the surface again, flooded and then allowed to settle. It shall then be filled four (4) inches above the surface of the street and all trenches running parallel to the street shall be thoroughly rolled by the person refilling such excavation, with a roller weighing not less than five (5) tons. If the street where such excavation is made has been macadamized, paved or oiled the macadam, pavement or oiled surface removed therefrom shall be kept separate from all other materials. The trench shall be refilled in the manner hereinbefore provided, two (2) inches above the surface of such macadamized, paved or oiled street, and all trenches running parallel to the street shall then be rolled by the person refilling such excavation with a roller weighing not less than five (5) tons. When such refilling is in proper condition, temporary pavement shall be placed as set forth in Section 12.20.060. In all cases where a pipe not exceeding four (4) inches in diameter is placed in an excavation, all the material removed from such excavation shall be replaced therein. Any surplus material not required in refilling trenches shall be promptly removed by the person to whom the permit was granted. (Prior code § 7304)

12.20.060 Temporary pavement.

All excavations for "main," "house," "lateral connection" or "public utility service connection or facility," after having been properly refilled as hereinabove specified, shall be paved with a minimum of two (2) inches of temporary asphalt paving material. (Prior code § 7305)

12.20.070 Tunnels.

Tunnels will be permitted in all excavations in any street between curbs, provided, however, that all such tunnels shall be entirely cut down before same are refilled. No tunnel shall exceed four (4) feet in length. (Prior code § 7306)

12.20.080 Trenching.

Except as allowed by the City Engineer, the trench for any "main" excavation at the end of each day shall not be excavated more than one hundred (100) feet in advance of "main" laying, nor left unfilled for more than one hundred (100) feet where main has been laid. No "house," "lateral connection" or "public utility service

connection or facility" excavation shall be left unfilled over Saturday and Sunday. (Prior code § 7307)

12.20.090 Crossings.

It shall be the duty of every person making any excavation in any street to maintain safe crossings for vehicle traffic at all street intersections and safe crossings for pedestrians at intervals of not more than three hundred (300) feet. If any such excavation is made across any street at least one safe crossing shall be maintained at all times for vehicles and pedestrians. Free access must be provided to all fire hydrants. All excavated materials shall be laid compactly along the side of the trench and kept trimmed up so as to cause as little inconvenience as possible to the public traffic. All gutters shall be maintained free and unobstructed for the further depth of the adjacent curb and for at least one foot in width from the face of such curb at the gutter line. Whenever a gutter crosses an intersection street an adequate waterway shall be provided and at all times maintained. (Prior code § 7308)

12.20.100 Lights.

It shall also be the duty of every person making an excavation in any street to place and maintain barriers at each end of such excavation and at such places as may be necessary along the excavation to prevent accidents, and also to place and maintain lights at each end of such excavation and at distances of not less than one hundred (100) feet along the line thereof, from sunset each day to sunrise of the next day, until such excavation is entirely refilled and the excavation has been paved with a temporary asphalt paving material, and no person shall fail, refuse or neglect to comply with any requirement contained in this section. (Prior code § 7309)

12.20.110 Funds.

That the City Engineer shall deposit at least once each week in the City Treasury all moneys received by him or her pursuant to this chapter. (Prior code § 7310)

12.20.120 Depths.

No person shall install any service pipe or main pipe, conduit, duct, tunnel or other structure, except manholes, culverts and catch basins, in any street at a distance of less than two (2) feet below the established grade of such public street, or if the grade has not been established, less than two (2) feet below the surface of such street. (Prior code § 7311)

12.20.130 Maps.

Every person owning, using, controlling or having an

interest in pipes, conduits, ducts, or tunnels under the surface of any street for supplying or conveying gas, electricity, water, steam, heat, ammonia, or oil, in, to or from the city or to or from its inhabitants or for any other person, shall within ninety (90) days after the adoption of this code file in the office of the City Engineer a map or set of maps each drawn to a scale of not less than two hundred (200) feet to one inch, which said map or set of maps shall show in detail the exact location, size, description and date of installation, if known, of all mains, laterals, services and service pipes, and all valves, pressure regulators, traps, manholes, handholes, transformer chambers, or other appliances installed beneath the surface of the streets in the city belonging to, used by or under the control of such person or in which such person has any interest. Every such person shall also file, within fifteen (15) days after the first day of January of each and every year after January 1, 1950, a corrected map or set of maps, each drawn to a scale of not less than two hundred (200) feet to one inch, showing the complete installation of all such pipes and other appliances, including all installations made during the previous year, to and including the last day of such year. Each such map shall be accompanied by an affidavit endorsed thereon, subscribed and sworn to by such person or by a member of such firm or by the president or secretary of such corporation, to the effect that the same correctly exhibits the details required by this chapter to be shown thereon. (Prior code § 7312)

12.20.140 Abandonment.

Whenever any pipe, conduit, duct, tunnel or other structure located under the surface of any street has been abandoned, the person owning, using, controlling or having an interest therein, shall within thirty (30) days after such abandonment file in the office of the City Engineer a statement in writing giving in detail the location of the pipe, conduit, duct, tunnel or other structure so abandoned. Each map or set of maps filed pursuant to the provisions of this section shall show in detail the location of all such pipes, conduit, ducts, tunnels or other structures abandoned subsequent to the filing of the last preceding map or set of maps. (Prior code § 7313)

12.20.150 Failure to file maps.

No person shall fail to file any map or set of maps at the time and in all respects as required by this chapter. (Prior code § 7314)

12.20.160 Inspection, supervision, permit and fees.

A. The conduct of excavation work or activity in

public streets and rights-of-way shall subject to the inspection, supervision and approval of the City Engineer in accordance with this chapter. The City Engineer may designate an inspector for the supervision of such work. No person may conduct such work without first obtaining a permit as issued therefor by the city in conformance with this chapter.

B. Each person who may propose to conduct such excavation activity shall pay a fee to the city in the amount of sixty dollars (\$60.00) for the first one hundred (100) linear feet of excavation plus thirty dollars (\$30.00) for each additional one hundred (100) linear feet (or part thereof) of excavation. The fee schedule as authorized in subsection B of this section will stay in effect until January 1, 1995 and thereafter the fee schedule shall increase to one hundred dollars (\$100.00) for the first one hundred (100) linear feet plus thirty dollars (\$30.00) for each additional one hundred (100) linear feet (or part thereof).

C. Each person proposing to make an excavation for any "house," "lateral connection" or "public utility service connection or facility" shall also pay to the city a separate fee of sixty dollars (\$60.00) for inspection, supervision and approval of each such excavation by the city.

D. Each person proposing to make an excavation for any "main" when such excavation consists of a series of intermittent excavations shall pay to the city a separate fee of sixty dollars (\$60.00) for the first such intermittent excavation and a fee of thirty dollars (\$30.00) for each additional such intermittent excavation on the same main for the inspection, supervision and approval of each such excavation by the city. (Prior code § 7315)

12.20.170 Exhibition of permit.

Any person engaged in the making or refilling of any excavation in any street shall at all times while such work is in progress keep at the place where such excavation is located the original permit, or the number thereof, for such excavation and must on demand exhibit the same to the City Engineer or to any of his or her deputies or to any police officer. (Prior code § 7316)

12.20.180 Filing of plans.

Before a permit is issued pursuant to the provisions of this chapter, a detailed plan of such excavation, showing the proposed location thereof, and all appurtenances thereto, shall be or shall have been filed in the office of the City Engineer. (Prior code § 7317)

12.20.190 Special permits.

The Council may in its discretion issue permits for the

making of excavations under alleys for the purpose of installing and maintaining oil storage tanks as provided by this section. Every tank installed, constructed or maintained pursuant to any such permit shall be so constructed that the top thereof shall not be less than four (4) feet below the surface of the alley in which such tank is so installed, constructed or maintained. No such tank shall be of a size sufficient to contain more than two thousand five hundred (2,500) gallons and shall be used only for the storage of crude petroleum or distillate for use as fuel in buildings. Any such permit may be revoked at any time by said Council and upon such revocation any tank so installed, constructed or maintained pursuant to any such permit shall be at once removed from such alley by the person owning, having charge of or using such tank. If at any time it becomes necessary to construct any sewer, water main, or other pipe line or conduit, or other public work of any kind along or in such alley, such tank or such portion thereof as may be necessary shall be removed so as to permit the construction of such sewer, water main, or other pipe line or conduit or other public work. If any such permit be revoked, or if it becomes necessary to remove any such tank or any portion thereof for the purpose of allowing the construction of a sewer, water main, or other pipe line or conduit or other public work, and the person owning, having charge of, or using such tank shall fail, refuse or neglect to remove the same within twenty (20) days after service of notice by the City Engineer so to do, the said City Engineer shall remove such tank, or so much thereof as may be necessary for such purpose, and the city shall have the right to recover the cost of such removal from such person. Before any such permit is issued a detailed plan of such tank and all appurtenances thereto shall be filed in the office of the City Engineer, which plan shall show the proposed location of such tank in such alley. (Prior code § 7318)

12.20.200 Exceptions.

None of the provisions of this chapter shall apply to any work done or to be done along, in or upon any street pursuant to any law of the state providing for the improvement thereof, provided however, that the provisions contained in the sections of this chapter pertaining to crossings and lights shall apply to all such work and to all excavations to be made along, in or upon any street. (Prior code § 7319)

12.20.210 Emergency work.

Nothing in this chapter contained shall be construed to prevent any person maintaining any pipe or conduit in any street, alley or other public place by virtue of any

law, ordinance or permit, from making such excavation as may be necessary for the preservation of life or property when such necessity arises during such hours as the offices of said city are closed; provided that the person making such excavation shall obtain a permit therefor within four (4) hours after the offices of the said city are first opened subsequent to the making of such excavation. (Prior code § 7320)

12.20.220 Rights of use.

Every permit for an excavation in or under the surface of any street shall be granted subject to the right of the city or of any other person entitled thereto, to use that portion of such street for any purpose for which such street may lawfully be used. (Prior code § 7321)

12.20.230 Payment by utilities.

All permit fees required by this chapter may, with the consent of the City Engineer, be paid by public utilities companies upon presentation of statement from the city at the end of each month instead of at the time of issuance of such permits. (Prior code § 7322)

Chapter 12.24

PARKING AND BUSINESS IMPROVEMENT
AREA

Sections:

12.24.010	Creation.
12.24.020	Boundaries.
12.24.030	Delineation.
12.24.040	Uses and purpose.
12.24.050	Business classification and rate of levy.
12.24.060	Multiple businesses.
12.24.070	Payment of tax.
12.24.080	Applicability of general business license provisions.
12.24.090	Payment prerequisite to license.
12.24.100	Refusal to pay tax.

12.24.010 Creation.

Pursuant to the Parking and Business Improvement Act law of 1965, being Part 5 of Division 18 of the Streets and Highways Code, Sections 36000 through 36081, there is established a parking and business improvement area business license area, which is hereinafter in this chapter referred to simply as said area. (Prior code § 6700)

12.24.020 Boundaries.

The boundaries of said area are specifically described as follows:

All that property in the city of El Monte, county of Los Angeles, state of California, bounded and described as follows:

Beginning at the point of intersection of the southwesterly line of the Southern Pacific Railroad Right of Way, 100 feet wide, with the northwesterly line of Cypress Avenue (formerly Central Avenue), 60 feet wide; thence southwesterly along said northwesterly line to the northerly line of the Pacific Electric Railroad Right of Way, 80 feet wide; thence westerly along said northerly line to the southwesterly line of Monte Vista Street; thence southeasterly along said southwesterly line of Monte Vista Street to the northeasterly line of Valley Boulevard; thence southwesterly in a direct line to a point that is south 41° 41' 04" west 15.00 feet and south 47° 56' 47" east 15.00 feet and south 42° 03' 14" west 9.90 feet from the most northerly point of the northwesterly line of that certain parcel of land, described in Indenture to the City of El Monte, recorded in Book 6703 Page 151 of Official

Records in the Los Angeles County Recorder's Office; thence south 42° 03' 14" west 44.25 feet to the northerly line of Ramona Boulevard (formerly Columbia Street); thence westerly along said northerly line of Ramona Boulevard 130.46 feet; thence northerly in a direct line to a point in the southerly line of said Pacific Electric Railroad Right of Way that is westerly 45.59 feet from the southwesterly line of Valley Boulevard (formerly San Bernardino Road and 66 feet wide); thence easterly along said last mentioned southerly line to the southwesterly line of Valley Boulevard, 76 feet wide; thence northwesterly along said last mentioned southwesterly line to the northerly line of said Pacific Electric Railroad Right of Way as it existed on October 18, 1965; thence westerly along said last mentioned northerly line to the southeasterly line of the Rio Hondo Flood Control Channel Right of Way; thence northeasterly along said last mentioned southeasterly line to a line parallel with and southwesterly 50 feet at right angles to the center line of the Southern Pacific Railroad Right of Way, 100 feet wide; thence southeasterly along said parallel line to said point of beginning.

(Prior code § 6701)

12.24.030 Delineation.

For purposes of graphic illustration, the boundaries of said area as described in Section 12.24.020 are delineated on the following map of the area:

12.24.040 Uses and purpose.

The uses and purpose to which the additional revenue emanating from said area pursuant to and as a result of this chapter shall be put are any one or more of the following:

- A. The acquisition, construction or maintenance of parking facilities for the benefit of the area;
- B. Decoration of any public place in the area;
- C. Promotion of public events which are to take place on or in public places in the area;
- D. Furnishing of music in any public place in the area;
- E. The general promotion of retail trade activities in the area. (Prior code § 6702)

12.24.050 Business classification and rate of levy.

The initial rate of increase or the additional levy of the general business license tax imposed upon the businesses within said area and the breakdown by class of business, are fixed, levied, determined and established as follows:

Classification of Businesses**Class A:**

Automobile dealers

Business of manufacturing

Business of selling at wholesale only

Carnivals

Kleig lights

Shoe shine stands

Occupants of commercial office buildings, except occupants who conduct retail sales therein, when the owners of the office building or the property on which it is located provide parking as required by the El Monte Municipal Code for the occupants and maintain the parking at their own expense.

Class B:

Pawnbrokers

Public dances—Annual

Class C:

Amusement machines and music boxes

Circuses, sideshows

Custom dressmaking and sewing

Entertainment

Ice sales

Medical, dental and optical laboratories

Newspaper and magazine agencies

Pool rooms

Public dance—Per day

Retail sale of newspapers, magazines, tobacco and items incidental thereto

Undertaking establishments

Vending machines

Amount of Additional Tax

No additional tax

An additional tax equal to one-half of the city business license tax otherwise applicable to such business.

An additional tax equal to the city business license tax applicable to each such respective business.

Class D:

Advertising agencies
Attorneys
Apartment houses, hotels, motels, motor courts, tourist courts,
trailer parks, bungalow courts, auto camps
Automotive repair
Barbershops
Business equipment consultants (No retail sales)
Chiropractors
Commercial office supplies
Concessionaires operating wholly within an establishment charging
a fee for admission.
Contractors and engineers
Medical and dental doctors
Optometrists
Printers
Psychoanalysts
Public bookkeeping, accounting
Public utilities, including gas, electrical and telephone
Real estate brokers
Repair and service only of radios and television sets
Veterinarians
All other professions licensed and regulated by the state and not
specifically otherwise classified herein

An additional tax in an amount two (2) times
the city business license tax applicable to each
such respective business.

Class E:

Cleaners and cleaners' agents and agencies
Closing out sales
Laundromats and self-service laundries and cleaners
Laundry agents and agencies
Rental agents and agencies
Rental leasing companies
Retail drugs and pharmacies (State License C and D only)
Shoe repair shops
Tailors, tailor shops, clothing alterations

An additional tax in an amount equal to three
(3) times the city business license tax applicable
to each such respective business.

Class F:

Beauty parlors and shops
Newspaper publishers
Service stations

An additional tax in an amount equal to four
(4) times the city business license tax applicable
to each such respective business.

Theatres

Class G:

All other businesses not included within class A, B, C, D, E
or F, including the following:

Bars
Cafes
Massage parlors
Personal and real estate loan agents and agencies
Photo studios
Restaurants
Retail drugs and pharmacies (State License A and B only)
Secondhand dealers and stores
Trade schools
Trading stamp agencies and redemption centers
All other businesses involving retail sales, professional and
semi-professional occupations

An additional tax in an amount equal to five
(5) times the city business license tax applicable
to each such respective business.

(Amended during 1999 recodification; prior code § 6703)

12.24.060 Multiple businesses.

Whenever a business is susceptible to more than one business classification under Title 5 of this code or under any of the classifications hereinabove set forth, the highest business license applicable under the El Monte Municipal Code and the classification hereinbefore set forth which produces the greatest additional tax shall be used and applied to such business. (Prior code § 6704)

12.24.070 Payment of tax.

The additional tax levied shall be due and payable and shall be paid at the same time and in the same manner that the business license tax imposed by Chapter 5.08 of this title is due and payable in accordance with the terms of this chapter. (Prior code § 6705)

12.24.080 Applicability of general business license provisions.

The provisions of Sections 5.04.040, 5.04.080A and B, 5.04.100A—C and E, 5.04.110, 5.04.140, 5.04.170, 5.04.180, 5.04.190, 5.04.200, 5.40.220, 5.04.230, 5.04.240, 5.04.250, 5.04.260, 5.04.330, 5.04.350, 5.04.360 and 5.04.370 of this code shall be applicable to all businesses in the area described in Section 12.24.020 and subject to the additional levy of the general business license tax imposed by Section 12.24.050. (Amended during 1999 recodification; prior code § 6705.2)

12.24.090 Payment prerequisite to license.

No business license shall be issued pursuant to this chapter unless the additional business license tax imposed by this chapter is paid together with the business license payable pursuant to and imposed by Chapter 5.08 of this code. (Prior code § 6706)

12.24.100 Refusal to pay tax.

No person shall fail or refuse to pay the additional business license tax imposed by this chapter. (Prior code § 6707)

Chapter 12.28

ENCROACHMENTS

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Article I. General Provisions

12.28.010 Definitions.

For the purpose of this chapter, certain words and phrases shall be construed as follows, unless it is apparent from the context that a different meaning is intended.

"Advertising bench" means and includes any bench on or upon which any kind of advertising matter is placed, maintained or displayed.

"Bench" means and includes any seat, bench or other device located upon public property for the use or accommodation of passersby or persons awaiting transportation.

"Encroachment" means and includes, but is not limited to, any bench, signs, or newsrack, or any other real or personal property installed, constructed, placed, or maintained on public property for a period in excess of thirty (30) minutes in any twenty-four (24) hour period without a permit issued pursuant to Chapter 5.12 of this code or permission granted by the City Council.

"Newsrack" means any self-service or coin-operated box, container, storage unit or other dispenser installed, used, or maintained for the display and sale or distribution of any written or printed material, including but not limited to newspapers, news periodicals or other news publications.

"Public property" means and includes property owned by the city and property in, on, upon or across which the city has an easement for public street, road, highway, alley, sidewalk, parkway, planting, access, ingress, egress or other purposes.

“Sign” means and includes a picture, transparency, advertisement, medical device or any object which is designed, intended or used for the purpose of advertising or which advertises or brings to notice any person, article of merchandise, business, profession, occupation or calling, anything that is to be or has been sold, bartered or given away, or any place of public, private or religious assembly. (Ord. 2701 § 4, 2007; prior code §§ 6351.1—6351.1.7)

12.28.020 Permit required.

No person shall construct, install, maintain or otherwise place an encroachment upon any public street, sidewalk or other public right-of-way without first obtaining an encroachment permit issued pursuant to Chapter 5.12. (Business Permits Generally) or Section 8.20.267 (Trash Bin Encroachment Permits) of the El Monte Municipal Code, whichever is applicable. (Ord. 2701 § 5, 2007; prior code § 6351.2)

12.28.030 Multiple locations—Permit required.

An application for an encroachment permit required by this chapter may include all locations for which a permit is requested, and a single permit may be issued for all locations specified in such application and approved pursuant to Chapter 5.12 of this code. (Prior code § 6351.2.1)

12.28.040 Permit application.

In addition to the requirements specified in or imposed under Chapter 5.12 of this code, each application for a permit for any public property encroachment shall be accompanied by an application fee specified in Section 5.12.270(A)(11) of this code and shall contain the information specified in subsections A through E of this section. Section 12.28.280 of this code shall govern news rack applications.

A. Owner. The name, address, and telephone number of the applicant, who must be the owner of the encroachment for which application is made;

B. Location. The proposed location of each encroachment for which permit application is made, together with the name and address of the owner or tenant of the property abutting such proposed location;

C. Description. A description of the encroachment showing its type, general dimensions and materials of construction;

D. Advertising. A statement by the applicant whether or not it is proposed to place advertising matter in the encroachment for which permit application is made, and the general nature of the advertising matter proposed to be placed thereon. All advertising matter placed on the en-

croachments shall at all times be subject to the continuing approval of the permit committee;

E. Compliance. A statement by the applicant that he or she is familiar with the provisions of this chapter, that he or she approves the same, and if granted the permit applied for that he or she will observe, abide by and be bound by the provisions of this chapter. (Ord. 2538 § 2 (part), 2001; prior code §§ 6351.2.4—6351.2.4.5)

12.28.050 Permit—Governmental exemption.

No fee shall be payable pursuant to this chapter for any application filed by any agency or instrumentality of government. (Prior code § 6351.2.5)

12.28.060 Permit—Issuance.

A. No permit shall be issued pursuant to this chapter unless the applicant shall post and maintain with the Clerk a surety bond or policy of public liability insurance, approved by the City Attorney and conditioned as hereinafter provided.

B. Exception. Unless expressly required by the encroachment permit, no bond or insurance shall be required for any street sign.

C. Noncancellable. Such bond or policy shall likewise provide that it is noncancellable upon less than fifteen (15) days' notice in writing to the Clerk.

D. Insurance shall be provided which names the city as an additional insured in accordance with Section 3.24.160 of this code.

E. In addition to the above-mentioned requirements, the applicant shall comply with the provisions of Section 12.28.450 of this code. (Ord. 2538 § 2 (part), 2001; prior code §§ 6351.2.9—6351.2.9.4)

12.28.070 Permit—Temporary.

Each permit issued under this chapter shall be temporary only, and shall be revocable by the Permit Committee if applicant fails to install the encroachment at the location specified within sixty (60) days after the issuance of the permit. (Prior code § 6351.2.13)

12.28.080 Permit—Revocable for cause.

A. Every permit issued under this chapter may, at any time, without notice to the permittee, be revoked by the Council upon its determination, based on evidence presented, that the encroachment constitutes a public hazard by reason of its location or maintenance, that any provision of this chapter or any condition imposed in the issuance of the permit is being violated, or that any ground exists upon which the permit would have or should have been denied in the first instance. The provisions of this

section are cumulative to any similar provisions specified in Chapter 5.12 of this code.

B. **Revocable upon Complaint.** Every permit issued under this chapter may be revoked by the Council after a hearing held upon at least three (3) days' notice in writing to the permittee mailed to his address shown upon his or her permit application, upon the complaint or objection made by the owner, tenant or person in lawful possession of the property abutting the location upon which an encroachment is placed or maintained under this chapter. The provisions of this section are cumulative to any similar provisions specified in Chapter 5.12 of this code.

C. **Refund on Revocation.** Upon revocation of a permit under the preceding subsection B of this section, the applicable business license fee shall be refunded at the rate of one-fourth of the annual license fee for each full quarter of a year remaining of the annual license period. Upon revocation for cause, such refund shall be made as the Council shall determine in its order of revocation. All orders and determinations made by the Council pursuant to this chapter shall be final. (Prior code §§ 6351.2.14—6351.2.16)

12.28.090 Permit—Reapplication.

If an encroachment permit is denied or revoked as to a given location, no permit for an encroachment of the same type may be issued with respect to such location unless the Council determines that the conditions warranting or the reasons for such denial or revocation no longer exist or do not pertain to the encroachment for which a permit is sought. (Prior code § 6351.2.17)

12.28.100 Permit—Nontransferable.

Whenever an encroachment for which a permit has been issued is sold, or title or control thereof is transferred, a new permit must be obtained by the new owner for its location and maintenance. (Prior code § 6351.2.18)

12.28.110 Encroachments—Location.

No person shall locate or maintain any obstruction at a point or location other than that specified in the permit for each encroachment issued pursuant to this chapter. (Prior code § 6351.2.21)

12.28.120 Encroachments—Removal.

A. Every encroachment constructed, placed, installed or maintained without a permit when required by this code or so constructed, placed, installed or maintained in violation of any condition of such permit may be removed by the Street Superintendent. Any trash bin which constitutes

a public hazard may be removed by the Street Superintendent.

B. After the revocation of any permit, or upon the expiration of any permit without a renewal thereof, the Street Superintendent may, and if so ordered by the Council shall, remove and store such encroachment for which a permit was revoked, or thus expired.

C. **Recovery.** A permittee may recover an encroachment thus removed and stored if, within sixty (60) days after the removal, he or she pays to the city the actual cost of such removal and storage. In the event that actual costs may not be readily determined, reasonable costs shall be as set by the Public Works Director.

D. **Disposition.** After sixty (60) days since such removal, the Street Superintendent may sell, destroy or otherwise dispose of such encroachment at his or her discretion.

E. Subsections A-D of this section shall not apply to news rack applications. (Ord. 2538 § 2 (part), 2001; prior code §§ 6351.2.22—6351.2.23.2)

12.28.130 Remedies cumulative.

All acts done pursuant to Section 12.28.120 shall be at the sole risk of the permittee or owner of the encroachment. Remedies thus specified shall be in addition to any other remedy or penalty provided by law or provided for the violation of any section of this chapter or code. (Prior code § 6351.2.24)

12.28.140 Exemption.

A. The provisions of this chapter shall not apply to any encroachment placed upon public property by or at the direction of the City Council, or by or at the direction of any officer or employee of the city in the course of his or her employment and in the proper discharge of his or her duties or any encroachment permitted or authorized by any other provision of this code.

B. **Other Encroachments.** Nothing contained in this chapter shall preclude the City Council from permitting any other type of encroachment to be placed upon public property upon such terms and conditions as the City Council may prescribe in each instance. (Prior code §§ 6352—6352.1)

Article II. Street Benches

12.28.150 Street benches—Number limited.

Permits shall not be issued for more than two (2) benches at any one location. Should more than two (2) applications be made for benches at the same location, such applications shall be given priority in the order of their receipt. (Prior code § 6351.2.12)

12.28.160 Street benches—New location.

If an officially established bus stop or passenger loading zone is changed from a location for which a permit for a bench has been issued under this chapter, such bench may be removed to the new location of such bus stop or passenger loading zone. In such case an amended permit application shall be filed and processed in the same manner as initial permit applications, but no additional or further fees shall be payable by reason of such amended permit application. (Prior code § 6351.2.19)

12.28.170 Street benches—Advertising matter.

A. No advertising matter or sign whatever shall be displayed upon any bench except the front and rear surfaces of the backrest and not more than seventy-five (75) percent of each surface shall be so used. No pictures or representations in irregular contour shall appear on any such bench.

B. No advertising or sign on any bench shall display the words, "Stop," "Look," "Drive-In," "Danger," or any word, phrase, symbol or character calculated to interfere with, mislead or distract traffic.

C. Maintenance. Each permittee shall maintain each bench at all times in a safe condition, and shall inspect each bench at frequent intervals.

D. Sidewalk Location. No bench shall be placed or maintained upon any sidewalk less than eighteen (18) inches nor more than thirty (30) inches from the face of the adjacent curb, and other than parallel with such curb.

E. Dimensions. No bench shall be more than forty-two (42) inches high nor more than two (2) feet, six (6) inches wide, nor more than seven (7) feet long overall.

F. Identification. Each bench shall have displayed thereon, in a conspicuous place and manner, the name of the permittee and the permit number assigned thereto. (Prior code §§ 6351.2.20—6351.2.20.5)

Article III. Newsracks

12.28.240 Purpose.

The purpose of this chapter is to promote the public peace, health, safety and aesthetics by regulating the

placement, design, appearance and servicing of publication vending machines so as to protect against:

A. The dangers of impairing the vision of motorists and pedestrians, particularly small children;

B. The dangers of unreasonably impeding the flow of pedestrian or vehicular traffic, including ingress into or egress from any residence or place of business, or from the street to the sidewalk by persons exiting or entering parked or standing vehicles;

C. Poorly designed and constructed publication vending machines which are inadequately secured to the underlying foundation, being knocked down, thrown and windblown into public streets;

D. Neglectful servicing of publication vending machines resulting in a visual blight on the city's parkways and sidewalks and detracting from the aesthetics of store window displays, adjacent landscaping and other improvements;

E. Unduly restricting access to the use of poles, posts, traffic signs or signals, hydrants, mail boxes or locations used for public transportation services; or

F. Unnecessary exposure of the city to personal injury or property damage suits. (Ord. 2538 § 2 (part), 2001)

12.28.250 Definitions.

For purposes of this chapter the following terms, phrases, words and their derivations shall have the meaning given herein. When not inconsistent with context, words used in the present tense include the future, words in the plural number include singular number words in the singular number include the plural number. The word "shall" is always mandatory and not merely directory.

"Affected party" means any person having any proprietary interest in any news rack, newsstand and/or similar device.

"Applicant" or "permittee" means the publisher or distributor, or custodian, clerk, employee, officer or other person who, as an agent of the publisher or distributor, has applied for (applicant) or been granted (permittee) a placement permit pursuant to the provisions of this chapter.

"Blinder rack" means a device attached to a publication vending machine which shields from view the lower two-thirds of any material contained in the publication vending machine.

"Director" means the City Engineer of the city of El Monte, or the official exercising the duties of that office as it now exists, or the designee of such official.

"Harmful matter" or "material harmful to minors" means matter, taken as a whole, which, to the average person applying contemporary statewide standards, ap-

peals to the prurient interest and is matter which, taken as a whole, depicts or describes in a patently offensive way, sexual conduct and which, taken as a whole, lacks serious literary, artistic, political, educational or scientific value for minors.

"Minor" means any natural person under eighteen (18) years of age.

"Parkway" means that area between the property line and the curb of any street and, where there is no curb, that area between the edge of the roadway and the property line adjacent thereto. Parkway also includes any area within a roadway which is not a sidewalk and is not open to vehicular traffic.

"Person" means any individual, firm, partnership or other local entity.

"Publication vending machine" means any self-service or coin-operated box, container, storage unit or other dispenser installed or used for printed material, including, but not limited to, newspapers, news periodicals, magazines, books, pictures, photographs and records.

"Roadway" means that portion of the street generally used for public use for public vehicular traffic.

"Sidewalk" means that portion of the street provided for the exclusive use of pedestrians.

"Street" means all that area dedicated to public use for public street purposes and shall include, but not be limited to, roadways, parkways, alleys and sidewalks. (Ord. 2538 § 2 (part), 2001)

12.28.260 Machines on roadways prohibited.

A. No person shall install, use or maintain any publication news rack, newsstand and or similar device which projects onto, into or over any part of the roadway or which rests wholly or in part upon, along or over any portion of the roadway.

B. No person shall install, use or maintain any publication vending machine on public property in the city without following the procedures set forth in this chapter. (Ord. 2538 § 2 (part), 2001)

12.28.270 Compliance with business permit and business licensing requirements.

A. No person shall install or maintain any news rack, newsstand and/or similar device which rests, either wholly or in part, upon, along or over any sidewalk without first complying with the business licensing provisions of Chapter 5.04, the business permit requirements of Chapter 5.12, and other requirements set out in this chapter.

B. The director may revoke the registration of any news rack, newsstand and/or similar device if the director, in his or her sole discretion, determines such news

rack, newsstand and/or similar device must be removed from its approved location in order to effectuate or accommodate any change in the street, sidewalk, roadway or parkway, in any public or private infrastructure contained therein, including, without limitation, any utility lines, or in or on any building or structure in the vicinity of such news rack, newsstand and/or similar device. (Ord. 2538 § 2 (part), 2001)

12.28.280 Placement permit—Application and issuance.

A. Every application for a permit must contain the following information:

1. Name, address and telephone number of applicant;

2. Name, address and telephone number of the owner of the news rack, newsstand and/or similar device if different from the applicant;

3. The exact location of each news rack, newsstand and/or similar device to be installed and/or maintained. A plan drawn to a scale of one inch = five (5) feet will be required. Said plan will show the location of the proposed news racks along with all existing and proposed improvements. A vicinity map should be submitted with this plan;

4. Applicants who are publishers or owners of adjudicated publications and newspapers of general circulation pursuant to of the California Government Code and who wish to be considered as such for purposes of this chapter, must provide proof of such adjudication at the time of application for registration;

5. Any additional information which is necessary for the proper disposition of the application in accordance with the regulations of this chapter;

6. Written statement agreeing to hold harmless and indemnify the city for any damage or injury arising out of the placement, installation and/or maintenance of any news rack, newsstand and/or similar device on any sidewalk in accordance with Section 12.28.450;

7. Applicant shall comply with the insurance requirements of Section 3.24.160 of this code except for subsection (B) therein. Subject to further review by the Permit Committee, applicant shall be insured in an amount not less than one million dollars (\$1,000,000.00) combined single limit per occurrence for bodily injury and property damage. The city, its officers, employees, agents, and volunteers shall be included on the certificate of insurance as additionally insured;

8. A complete description of the news rack, newsstand and/or similar device to be installed, including manufacturer name, model, dimensions, color, and any unusual, distinctive or unique attributes;

9. Photographs, depiction, rendering or drawing of the actual or similar news rack, newsstand and/or similar device to be installed is required; and

10. Payment of permit fees and licensing fees pursuant to the provisions of this chapter and Title 5 of this code.

B. If the proposed news rack, newsstand and/or similar device will contain harmful matter, the application shall contain a separate written attachment containing all of the following:

1. A summary of Penal Code Sections 313.1 and 313.4 as they exist on the date of registration;

2. A detailed description of how the news rack, newsstand and/or similar device will be "adult supervised" and what precautions will be put into place to prevent access to the news rack, newsstand and/or similar device by minors;

3. If tokens or special cards will be used to access the news rack, newsstand and/or similar device, a list of locations at which the tokens or cards will be made available. The list of locations shall include the name of the residence or business location, the address, the telephone number and the name of the contact person at the location who shall be responsible for selling, distributing or giving out the tokens or cards; and

4. Any application that complies with the requirements of this code and any other applicable county, state or federal law shall be approved.

C. The Permit Committee shall review all applications for registration and shall determine whether the applicant complies with all requirements and standards as set forth in this chapter. The Permit Committee may approve or authorize an alternative location for placement of the proposed news rack, newsstand and/or similar device consistent with the requirements set forth in this chapter. The Permit Committee shall be guided therein solely by the standards and criteria set forth in this chapter and Section 5.12.120. Such application may be granted either in whole or in part when more than one location is proposed by the applicant, and in any event, when denial is solely as to location, the applicant shall be without prejudice to amend such application to state a different location or locations.

D. Within sixty (60) days after submission, the Permit Committee shall either approve the application and issue the requested permit, or, if the application does not satisfy the requirements of this chapter, shall reject such application and shall inform the applicant in writing of the reasons for such rejection.

E. In lieu of filing a new application for the purpose of deleting an approved location, adding a new location, or changing an approved location to another location, an

applicant may file an amendment to an application theretofore filed by him or her during the current calendar year, specifying an approved location to be deleted, the new location to be added, or an approved location to be changed to another location; no additional fee shall be required for the filing of any such amendment, but such amendment shall be processed and subject to approval the same as a new application. (Ord. 2538 § 2 (part), 2001)

12.28.290 Permittee's obligation.

No permittee shall locate or maintain any news rack, newsstand and/or similar device at a point or location other than that specified within the permit for the news rack, newsstand and/or similar device. (Ord. 2538 § 2 (part), 2001)

12.28.300 Installation without permit.

A. Installation Without Permit. Any news rack, newsstand and/or similar device installed without a permit or which fails to comply with the provisions of Section 12.28.370 shall be removed by the news rack operator, distributor or entity responsible for the news rack, newsstand and/or similar device. The Director may order the removal and storage of any news rack, newsstand and/or similar device at the offender's expense if the offender fails to do so within ten (10) calendar days after notice. Where the owner and/or address of the owner is unknown, tagging of the news rack, newsstand and/or similar device shall constitute sufficient notice of violation.

B. Notice of Violation. Notice shall indicate the nature of the violation; date of tagging; deadline for removal of news rack; notice of impoundment; location of impounded news rack; and deadline for recovery of impounded news rack(s).

C. Claim of Compliance Required. No affected party who is cited under this section may request a hearing unless said party claims full compliance with the procedures set forth in this chapter.

D. Request for Hearing. An affected party which makes a claim under subsection (C) of this section may file a written request with the Director for the purpose of demonstrating that a violation, as specified on the tag attached to a machine pursuant to subsection (A) of this section, has not in fact occurred. Said written request must be filed with the Director no later than eight (8) days after the date indicated by the tag and any failure to comply with this deadline shall terminate the affected party's right to request a hearing.

E. Hearing. Within five (5) working days after the date on which the request for hearing is received, the Director shall set a hearing date and shall notify the affected party by first-class mail of the date, time and

place of said hearing. Unless agreed to otherwise, said hearing shall occur not less than five (5) and not more than ten (10) working days from the date of the mailing of the notice.

F. Appeal. The appeals process shall be governed by Section 12.28.430 of this chapter. (Ord. 2538 § 2 (part), 2001)

12.28.310 Design and construction requirements.

Any publication vending machine which rests in whole or in part upon, in or over any public sidewalk or parkway shall comply with the following standards:

A. Each machine shall have display case(s) with a plastic window;

B. Each machine shall be constructed of sturdy, corrosive-resistant metallic materials. The mount, cabinet, tray, body, and frame of a news rack, newsstand and/or similar devices shall not be constructed of any plastic materials unless otherwise authorized under subsection P of this section;

C. No news rack, newsstand and/or similar device, itself, shall exceed fifty-four (54) inches in height, thirty (30) inches in width and twenty (20) inches in thickness;

D. News racks, newsstands and/or similar devices shall be painted olive green unless otherwise authorized under subsection P of this section;

E. New racks, newsstands and/or similar devices shall be limited to the following models and makes unless otherwise authorized under subsection P of this section:

1. National Newsvend Models:

- a. M-20, M-30, M-33, M-34 and M-84;
- b. F-153, F-301, F-841, and F-901;

c. M-10 is permitted so long as the news rack is mounted and securely fastened to the ground or permanent structure in a manner as prescribed by the Permit Committee;

2. K-Jack Engineering Models:

a. KJ-50, KJ-100, and KJ-150 are permitted so long as these news rack are mounted and securely fastened to the ground or permanent structure in a manner as prescribed by the Permit Committee;

b. KJ-825, KJ-850, KJ-860, KJ-940, and KJ-2000;

F. News racks, newsstands and/or similar devices shall only be permitted on a sidewalk and shall be placed such that they are along the edge of the sidewalk which is furthest away from the curb and facing the street, parallel to the street or adjacent to the wall of a building, parallel to the wall, facing the street. News racks, newsstands and/or similar devices shall be placed no more than three (3) inches from the edge of the sidewalk or wall of a building;

G. All news racks, newsstands and/or similar devices must be mounted and/or securely fastened to the ground or permanent structure in a manner as prescribed by the Permit Committee;

H. Unless expressly authorized in writing by the Director, no news rack, newsstand and/or similar device shall be chained, bolted or otherwise attached to any property or to any permanently fixed object not owned by the owner of the news rack, newsstand and/or similar device, including, but not limited to, other news racks, newsstands and/or similar devices owned by another, nor shall any news rack, newsstand and/or similar device be chained or attached to loose objects including, but not limited to, bricks, rocks, cinder blocks, pipes or other such objects;

I. Stacking of news racks, newsstands and/or similar devices shall be permitted to the extent allowed in accordance with the size and weight restrictions provided in this chapter, however, in no event shall the aggregate height of such stacked news racks, newsstands and/or similar devices exceed sixty-four (64) inches above the surface or platform upon which they rest;

J. No news rack, newsstand and/or similar device, or group of attached news racks, newsstands and/or similar devices allowed under subsections I of this section, shall weigh, in the aggregate, in excess of one hundred seventy-five (175) pounds when empty;

K. Notwithstanding the provisions of subsection C of this section, no news rack, newsstand and/or similar device shall be placed, installed, used or maintained:

1. Within five (5) feet of any marked crosswalk;
2. Within fifteen (15) feet of the curb return of any unmarked crosswalk;
3. Within fifteen (15) feet of any fire hydrant, fire or police call box, or other emergency facility;
4. Within five (5) feet of any driveway;
5. Within five (5) feet ahead of, and twenty-five (25) feet to the rear of any sign marking a designated bus stop;
6. Within six (6) feet of any bus bench or bus shelter;
7. At any location whereby the clear space for the passageway of pedestrians is reduced to less than six (6) feet;
8. Within three (3) feet of any area improved with lawn, flowers, shrubs or trees or three (3) feet of any display window of any building abutting the sidewalk or in such manner as to impede or interfere with the reasonable use of such window for display purposes;
9. At any location whereby the news rack, newsstand and/or similar device obstructs motorists' vision of regulatory or advisory traffic and parking signage or any

other location whereby the news rack, newsstand and/or similar device obstructs motorists' vision of pedestrians;

10. Within fifty (50) feet of any other news rack, newsstand and/or similar device containing the same publication except where there are less than eight news racks, newsstands and/or similar devices in any location, in which case additional/duplicate news racks, newsstands and/or similar devices containing the same publication shall be permitted for each available space up to the maximum of eight at any one location. The Permit Committee in assigning such additional/duplicate news rack, newsstand and/or similar device at a location where there exists more than one news rack, newsstand and/or similar device containing the same publication, shall be guided solely by the criteria set forth under subsection N of this section;

11. Within five (5) feet of any underground or above ground utility structure;

12. Where placement unreasonably interferes with the use of poles, posts, traffic signs or signals, mailboxes or government use;

13. Within five hundred (500) feet of an elementary school, junior high or high school site;

14. Within five (5) feet of a curb painted blue, pursuant to the provisions of California Vehicle Code Section 21458;

15. Where placement unreasonably obstructs, interferes with or impedes access to or the use of abutting property, including, but not limited to, residences, places of business or legally parked or stopped vehicles; and

16. No news rack, newsstand and/or similar device shall interfere with the cleaning of any sidewalk by the use of mechanical sidewalk cleaning machinery.

L. No news rack, newsstand and/or similar device shall be used for advertising signs or publicity purposes other than that dealing with the display, sale or purchase of the newspaper, publication or news periodical sold therein.

M. Each news rack, newsstand and/or similar device shall be maintained in a clean and neat condition and in good repair at all times.

N. No more than eight (8) news racks, newsstands and/or similar devices shall be located on any street within a space of two hundred (200) feet in any direction within the same block of the same street; provided, however, that no more than sixteen (16) news racks shall be allowed on any one block. As used herein, "block" shall mean one side of a street between two (2) consecutive intersecting streets. In determining which news racks, newsstands and/or similar devices shall be authorized, the Permit Committee shall be guided solely by the following criteria:

1. First priority shall be given to applicants who are able to provide verification that they are publishers or owners of adjudicated publications or newspapers of general circulation in Los Angeles County, pursuant to the procedures set forth in the California Government Code;

2. Second priority shall be given to news racks, newsstands and/or similar devices used for the sale of daily publications (those published on five (5) or more days in a calendar week) which have not been adjudicated to be newspapers of general circulation in Los Angeles County;

3. Third priority shall be given to news racks used for the sale of weekly publications (those published on at least one but less than five (5) days in a calendar week) which have not been adjudicated to be newspapers of general circulation in Los Angeles County; and

4. Fourth priority shall be all other publications. In the event there is a conflict between publications within the same priority seeking the same location, and there are insufficient news rack spaces remaining to accommodate the conflicting publications after first filling as many spaces as possible by utilizing the criteria set forth above, then the Permit Committee shall assign the remaining space or spaces at random by placing the names of all applicants for the remaining spaces at a location into a container from which the names shall be drawn, one at a time, until the particular location's remaining number of unfilled news rack, newsstand and/or similar device spaces have been filled. Such drawing shall be open to the public and conducted at a time and date designated by the Director.

O. Each machine shall conform to the Director's as well as the Permit Committee's rules and regulations, including, without limitation, reasonable design standards.

P. In the event that applicant does not comply with the standards set out in subsections B, D and E of this section, the Director may recommend issuance of a permit to the Permit Committee. The Director shall base his or her decision on health, safety, public welfare, and aesthetic considerations. (Ord. 2538 § 2 (part), 2001)

12.28.320 Display of harmful matter in newsracks—Blinder racks, adult supervision.

A. Any news rack, newsstand and/or similar device which contains material harmful to minors shall have a blinder rack attached in such a manner as to shield from view the lower two-thirds of the material contained in the machine from viewing by the public in accordance with Penal Code Section 313.1(d).

B. Harmful matter shall not be exhibited, displayed, sold or offered for sale in any news rack, newsstand and/or similar device located in a public place without adult supervision, other than a public place from which minors are excluded. A news rack, newsstand and/or similar device shall be considered to be "supervised by an adult" if permittee has complied with the provisions of Penal Code Section 313.1(h). (Ord. 2538 § 2 (part), 2001)

12.28.330 Placement Standards—Generally.

Any publication vending machine which rests in whole or in part upon, in or over any public sidewalk or parkway shall comply with the standards set forth in this chapter. (Ord. 2538 § 2 (part), 2001)

12.28.340 Placement standards.

No publication vending machine shall be bolted or otherwise attached to property not owned by the owner of such machine or to any permanently fixed object, unless the owner of such machine has first obtained the written permission of the owner of the object to which the machine is affixed in the public right-of-way during the term of the permit; provided, that the installation if made in conformance with the terms of the permit and of this chapter. (Ord. 2538 § 2 (part), 2001)

12.28.350 Placement standards—Joining machines together.

News racks, newsstands and/or other similar device may not be bolted or welded to one another. Applicant may only join its news racks, newsstands and/or other similar devices through the use multiple place permanent mounts or similar mount designs. (Ord. 2538 § 2 (part), 2001)

12.28.360 Maintenance standards.

Any publication vending machine which rests in whole or in part upon, in or over any public sidewalk or parkway shall comply with the following standards:

A. No machine shall be used for advertising signs or publicity purposes, except that each machine may have attached to it a single sign panel no wider than the machine and no more than twelve inches in height upon which advertising or other information may be displayed;

B. Each machine shall be maintained in a clean and neat condition and in good repair at all times;

C. No machine shall be abandoned. A machine shall be deemed to be abandoned when no new publication has been placed in such machine for a period of sixty (60) days; and

D. Any person removing or owner of vending machine causing the removal of a machine shall be responsible of any resulting condition, including the filling in of any holes left in the sidewalk or parkway, such work to be done to the satisfaction of the Director at no cost to the city. (Ord. 2538 § 2 (part), 2001)

12.28.370 Information to be attached to machines.

Every person or owner of vending machine who places or maintains a publication vending machine, which in whole or in part rests upon, in or over any public sidewalk or parkway within the city, shall have his/her or its name, address and telephone number affixed thereto in a place where such information may be easily seen by anyone using the machine, and shall comply fully with the provisions of Section 17570 of the Business and Professions Code of the state of California as it existed on the effective date of the ordinance codified in this section or as it may be hereafter amended. The permit shall not be effective unless permittee complies with this section. (Ord. 2538 § 2 (part), 2001)

12.28.380 Notice of violations.

A. Except as provided in Section 12.28.300 of this chapter, any news rack, newsstand and/or similar device installed, used or maintained in violation of the provisions of this chapter shall be tagged with a notice of violation and a letter shall be sent to the last known address of the owner stating the violation, date of tagging, notice of intention to remove the news rack, newsstand and/or similar device if the violation is not corrected within thirty (30) calendar days, and procedure for obtaining a pre-removal hearing before the Director, if desired.

B. Notwithstanding subsection A of this section, in the case of violations of this chapter relative to restrictions upon attachments of news racks, newsstands and/or similar devices to property other than that owned by the owner, to fixed objects, to each other, or upon unauthorized locations, the Director may, at his or her discretion, and as an alternative to tagging, move, align or remove such attachment, or otherwise relocate such news rack, newsstand and/or similar device in order to restore it to a legal condition. (Ord. 2538 § 2 (part), 2001)

12.28.390 Impounding of news racks, newsstands and/or similar devices.

The Director shall cause any news rack, newsstand and/or similar device to be impounded:

A. Where its installation, use or maintenance immediately endangers the safety of persons or property and

it is impractical to move such machine to another legally permitted location; or

B. Where its installation, use or maintenance unreasonably interferes with or impedes the flow of vehicular or pedestrian traffic and it is impractical to move such machine to another legally permitted location; or

C. Where its installation, use or maintenance unreasonably interferes with the use of poles, posts, traffic signs or signals, hydrants, mail boxes or other objects legally permitted and it is impractical to move such machine to another legally permitted location; or

D. Where its installation, use or maintenance unreasonably obstructs, interferes with or impedes access to or the use of abutting property, including, but not limited to, residences, places of business or legally parked or stopped vehicles and it is impractical to move such machine to another legally permitted location; or

E. Where its installation, use or maintenance unreasonably interferes with the public's use and enjoyment of any publicly owned property or facility; or

F. When such machine has been abandoned; or

G. When such machine does not have a name, address and telephone number affixed in a place where such information may be easily seen and the owner of such publication vending machine cannot be otherwise identified; or

H. Where an owner of the vending machine has been noticed of the violation and the owner has neither caused the violation specified on said tag to be corrected nor requested a hearing within the time permitted; or

I. When a hearing and appeal, if filed, have resulted in a final determination that the violation(s) specified on the tag attached to such machine has in fact occurred and the custodian has failed to correct such violation(s) within ten (10) working days from the date of said determination; or

J. When a request for a hearing or appeal has been withdrawn. Such request shall be deemed withdrawn either by actual withdrawal or by failure of the owner to fully comply with this chapter. (Ord. 2538 § 2 (part), 2001)

12.28.400 Impoundment.

A. If any news rack, newsstand and/or similar device has been tagged and remains in violation of the provisions stated on the tag past the thirty (30) calendar day correction period, and no hearing has been requested, said news rack, newsstand and/or similar device shall be removed by the Director or his or her designate and stored in a place of the Director's choosing. The Director shall notify the owner thereof by mailing a "notice of removal" to the last known address of the owner. Such

notice shall state the date the news rack, newsstand and/or similar device was removed, the reasons therefor, the location and procedure for claiming the news rack, newsstand and/or similar device and the procedure for obtaining a post removal hearing before the Director, if desired. Any such news rack, newsstand and/or similar device removed and stored pursuant to these provisions shall be released to the owner thereof if claimed within forty-five (45) calendar days after such removal and upon the payment of reasonable charges of removal and storage costs therefor. Upon failure of the owner to claim such news rack, newsstand and/or similar device and to pay the reasonable charges within forty-five (45) calendar days after the mailing of the written notice of removal, such news rack, newsstand and/or similar device shall be deemed to be unclaimed property in and the city shall have the right to dispose of the impounded machine and its contents at its discretion.

B. Any news rack, newsstand and/or similar device in violation of the provisions of this chapter, which violation creates an immediate danger to the health, safety or welfare of the public, which violation cannot be corrected by moving or otherwise repositioning the news rack, newsstand and/or similar device, may be summarily removed and stored in a place of the Director's choosing so as to eliminate the danger to the health, safety and welfare of the public. The Director shall notify the owner thereof by mailing a "notice of removal" to the last known address of the owner. Such notice shall state the date the news rack, newsstand and/or similar device was removed, the reasons therefor, the location and procedure for claiming the news rack, newsstand and/or similar device, and the procedure for obtaining a post-removal hearing before the Director, if desired. Any such news rack, newsstand and/or similar device removed and stored pursuant to this section shall be released to the owner thereof if claimed within forty-five (45) calendar days after the mailing of written notice of removal and upon the payment of reasonable charges of removal and storage.

C. The Director may allow replacement of a news rack, newsstand and/or similar device removed pursuant to this section but only upon demonstration by the owner, and to the satisfaction of the Director, that the replacement will no longer cause, create or otherwise promote the reoccurrence of the danger for which the news rack, newsstand and/or similar device was removed and that the owner has complied with all requirements of this chapter. This authority shall be exercised within the discretion of the Director and shall not be construed to be mandatory. (Ord. 2538 § 2 (part), 2001)

12.28.410 Return of the impounded machine.

A. Any news racks, newsstands and/or other similar device, together with its contents, which has been impounded, shall be returned to the custodian:

1. Upon receipt of an impound fee of three hundred dollars (\$300.00); or

2. Upon a determination, after a hearing by the Director, that the publication vending machine should not have been impounded and should be returned to the owner; or

3. Upon a decision by the Hearing Officer, on appeal pursuant to Section 12.28.430 of this chapter, that the publication vending machine should not have been impounded.

B. In the event a hearing has not been requested pursuant to Section 12.28.420 of this chapter within the time permitted following impoundment of any machine, an impound fee of three hundred dollars (\$300.00) shall be imposed upon the owner of the vending machine.

C. In the event a hearing has not been requested pursuant to Section 12.28.420 of this chapter within the time permitted following impoundment of any machine and/or the appropriate impound fee has not been paid within forty-five (45) calendar days of impound or the hearing, as applicable, the impounded machine shall be considered abandoned and the city shall have the right to dispose of the impounded machine and its contents at its discretion.

D. Any permits issued to the owner shall be revoked upon impoundment of any news rack, newsstand and/or similar device pursuant to the provisions of this chapter. (Ord. 2538 § 2 (part), 2001)

12.28.420 Hearings.

A. Request for Hearing. Except as provided in Section 12.28.300 of this chapter, any owner of a vending machine may file a written request with the Director for the purpose of demonstrating that a violation, as specified on the tag attached to a machine pursuant to Section 12.28.380 in this chapter, has not in fact occurred.

B. Notice of Hearing. Within five (5) working days after the date on which the request for hearing is received, the Director shall set a hearing date and shall notify the affected party by first-class mail of the date, time and place of said hearing. Unless agreed to otherwise, said hearing shall occur not less than five (5) and not more than ten (10) working days from the date of the mailing of the notice. (Ord. 2538 § 2 (part), 2001)

12.28.430 Appeal after hearing.

A. Any affected party aggrieved by a decision made by the Director under Sections 12.28.300 and 12.28.420 shall be appraised of their right to appeal to a Hearing Officer.

B. A letter of appeal that briefly states therein the basis for an appeal shall be filed with the office of the City Clerk within ten (10) calendar days after receipt of notice of an adverse decision.

C. An appellant shall be given at least ten (10) calendar days notice of the time and place of the hearing.

D. The Hearing Officer shall give the appellant, and any other interested party, reasonable opportunity to be heard in order to show cause why the determination should not be upheld. In such case, the burden of proof shall rest upon the appellant to show that there was no substantial evidence to support the action taken. At the conclusion of the hearing, the Hearing Officer shall make a final and conclusive determination. (Ord. 2538 § 2 (part), 2001)

12.28.440 Penalties.

Any person who knowingly, willingly or otherwise fails to comply with any provision of this chapter, or who fails to bring any news rack, newsstand and/or similar device into compliance with any provision of this chapter, shall be in violation of this chapter and shall be guilty of a misdemeanor and any person convicted of such misdemeanor shall be punished by a fine not exceeding one thousand dollars (\$1,000.00) and/or six months' imprisonment. (Ord. 2538 § 2 (part), 2001)

12.28.450 Indemnification and release of liability.

Every person who places or maintains a news rack, newsstand and/or similar device on a sidewalk in the city shall file a written statement with the Director whereby he or she agrees to indemnify and hold harmless the city, its officers, agents and employees from any loss, liability or damage, including expenses and costs for bodily or personal injury, and for property damage sustained by any person as a result of the installation, use, or maintenance of such news rack, newsstand and/or similar device. (Ord. 2538 § 2 (part), 2001)

12.28.460 Authority of the director to promulgate rules and regulations.

The Director may promulgate rules and regulations, not inconsistent with the provisions of this chapter, which he/she deems necessary to properly exercise his/her jurisdiction. All such rules and regulations shall be kept

in the office of said Director and a copy thereof shall be furnished to any applicant upon request. (Ord. 2538 § 2 (part), 2001)

12.28.470 Authority of director to delegate duties.

The Director may authorize any person or department in the employ of the city to assist or take over any of the duties or responsibilities assigned to the Director by this chapter. (Ord. 2538 § 2 (part), 2001)

12.28.480 Applicability.

A. Effective immediately, the city may cause any news racks, newsstands and/or other similar devices to be impounded when such news racks, newsstands and/or other similar devices are installed and/or placed without a valid business permit and business license.

B. Effective February 1, 2002, no business permit and business license shall be reissued to any applicant for any news racks, newsstands and/or other similar device in the event that such news racks, newsstands and/or other similar device fails to comply with any and all provisions of this chapter. (Ord. 2538 § 2 (part), 2001)

Chapter 12.32

TRASHBIN ENCROACHMENT PERMITS

Sections:

- 12.32.010** **Trash bins.**
- 12.32.020** **Trash bin encroachment permits.**
- 12.32.030** **Encroachment permit regulations.**
- 12.32.040** **Appeal.**
- 12.32.050** **Appeal—Hearing by council.**

12.32.010 **Trash bins.**

No person shall place or cause to be placed any trash bin as defined in Section 12.28.010 of this code in any city street, on any sidewalk, on any parkway, in any alley, or on any street shoulder area within the public right-of-way of a street or on any other public property in the city without first having obtained a permit to do so pursuant to the provisions of Section 12.32.020 of this chapter. (Prior code § 3231.2)

12.32.020 **Trash bin encroachment permits.**

A. No person shall place, or cause to be placed, any bin of any variety on any public street, sidewalk, parkway, alley, street shoulder or any other portion of the public right-of-way without first obtaining a permit pursuant to this section. For purposes of this section, the aforementioned permit shall hereinafter be referred to as “trash bin encroachment permits.”

B. Applications for a trash bin encroachment permit shall be submitted to the Environmental Services Division. Trash bin encroachment permits may only be issued in connection with:

1. Any covered project as defined under Section 8.20.260 of this chapter;
2. Renovation and repair projects performed at all varieties of premises (including but not limited to roof tear-offs);
3. Premises cleanouts (including but not limited to apartment cleanouts);
4. Warehouse cleanups;
5. Nuisance and/or weed abatement cleanups; and
6. Street/road maintenance cleanups.

C. As a standard condition to the issuance of a trash bin encroachment permit, any bin subject to such a permit shall be reflectorized and shall contain the name, address and telephone number of the bin owner/provider. In the event that any reasonably foreseeable risk of harm cannot be reasonably eliminated, the Environmental Services Division may deny an application for a trash bin encroachment permit. The Environmental Services Division may

revoke any trash bin encroachment permit on the basis of the permittee’s failure to comply with any conditions of approval. (Ord. 2701 §§ 2 (part), 3 (part), 2007: prior code § 3231.2.1)

12.32.030 **Encroachment permit regulations.**

The Public Works Director may impose additional requirements on the applicant or require the placement of additional safety devices in, on or around any trash bin placed on public property in order to eliminate or mitigate any apparent risk of harm to persons or property. In the event that any apparent risk of harm cannot be reasonably eliminated or substantially mitigated, the Public Works Director may deny the application. A decision on each application shall be rendered by the Public Works Director within fourteen (14) days of receipt of the application. The Public Works Director may revoke any permit of which any condition or restriction is violated. (Prior code § 3231.2.2)

12.32.040 **Appeal.**

The applicant or any interested person dissatisfied with a decision of the Public Works Director/Street Superintendent, or his or her designated representative, or aggrieved by the removal of any trash bin, may appeal in writing to the City Council by filing such written appeal with the City Clerk within ten (10) days of notice of the decision of the Public Works Director/Street Superintendent or within ten (10) days of notice of removal. Each such appeal shall be accompanied by an appeal fee of fifty dollars (\$50.00) and shall specify with particularity the ground or grounds upon which such appeal is based. The filing of an appeal pursuant hereto does not prohibit the Street Superintendent from removing any trash bin nor does it stay the revocation of any permit by the Public Works Director pending the hearing of such appeal by the City Council. The person filing an appeal may not place or maintain a trash bin encroachment without a valid and in effect permit to do so pending the hearing of the appeal by the City Council. (Prior code § 3231.2.3)

12.32.050 **Appeal—Hearing by council.**

A. Each appeal filed pursuant to Section 12.32.040 shall be heard by the City Council at its regular scheduled evening meeting held not less than fourteen (14) days after the filing of such appeal with the City Clerk; provided, however, that the City Council may continue the hearing on such appeal from time to time at its discretion. The City Clerk shall give written notice of the time and place of the Council hearing on any such appeal to the applicant, to the appellant if the appellant be other than the applicant, and

to any other person who has in writing filed with the City Clerk a request for notice.

B. At the time for which hearing of any such appeal has thus been noticed, the City Council shall consider and review the application, the decision and/or recommendation of the Public Works Director/Street Superintendent and all other documents and material presented. In its decision on any such appeal the City Council may approve or disapprove in whole or in part the decision of the Public Works Director/Street Superintendent, may grant or deny the permit applied for, and may waive removal costs, storage costs and appeal filing fees if removal is found to be unwarranted. The Council in granting a permit may amend, add to or delete any or all of the conditions or restrictions imposed by the Public

Works Director. The City Clerk shall mail to the applicant and appellant a copy of the Minutes of the City Council with reference to any such appeal within forty-eight (48) hours after the approval of such Council Minutes by the City Council. (Prior code § 3231.2.4)

Chapter 12.36**MUNICIPAL PARKING LOTS****Sections:**

- 12.36.010 Municipal parking lots.**
- 12.36.020 Off-street parking.**
- 12.36.030 Enforcement of parking restrictions.**
- 12.36.040 Removal of vehicles.**

12.36.010 Municipal parking lots.

The Director of Community Services may recommend to the City Council and the City Council shall indicate by resolution which City-owned parking lots shall be designated as municipal parking lots for the purpose of enforcement of parking restrictions pursuant to the California Vehicle Code Section 22519. Whenever the City Council so designates a municipal parking lot, it shall be posted with a sign or signs, as appropriate, giving notice thereof. Such designation shall be made by posting of a sign immediately adjacent to and visible from the entrance driveway of each municipal parking lot. (Amended during 1999 recodification; prior code § 3800)

12.36.020 Off-street parking.

The city may, by ordinance or resolution, prohibit, restrict, or regulate the parking, stopping, or standing of vehicles on any off-street parking facility which it owns or operates. No such ordinance or resolution shall apply until signs giving notice thereof have been erected. Such signs shall contain the specific restriction(s), for example: no blocking of driveways, no double parking, no storage of vehicles, no consumption of alcoholic beverages in vehicles on municipal parking lots, park only in designated spaces, or, head-in parking only. (Prior code § 3801)

12.36.030 Enforcement of parking restrictions.

Any person in violation of any of the provisions of Section 12.36.020, may be cited by any officer of the El Monte Police Department or designated civilian employee assigned to the Parking Control Authority of the Inspection Bureau, city of El Monte. (Prior code § 3802)

12.36.040 Removal of vehicles.

Any sworn member of the El Monte Police Department or designated employee of the Parking Control Authority of the Inspection Bureau, city of El Monte, shall have the authority to cause the removal from a designated municipal parking lot to the nearest public garage of any vehicle illegally stored, abandoned, or creating a hazard to the public on any municipal parking

lot if there is posted immediately adjacent to and visible from the entrance of such parking lot a sign which clearly and conspicuously states the following: "Unauthorized vehicles stored on this lot for an excess of 72 hours, or inoperable or abandoned vehicles left parked or standing on this lot in excess of five (5) days, or any vehicle creating a public hazard because it creates a health hazard or because it impedes the normal flow of traffic will be towed away at the owner's expense. Information concerning towed vehicles may be obtained by telephoning the Parking Control Authority at the El Monte Police Department (580-2110)." (Prior code § 3803)

Chapter 12.40

MUNICIPAL SWIMMING FACILITIES

Sections:

12.40.010	Definitions.
12.40.020	Administrative rules and regulations.
12.40.030	Destruction prohibited.
12.40.040	Animals prohibited.
12.40.050	Vehicles prohibited.
12.40.060	Unauthorized use prohibited.
12.40.070	Segregation.
12.40.080	Prohibited areas.
12.40.090	Compliance.

12.40.010 Definitions.

For the purpose of this chapter, certain words and phrases shall be construed as follows, unless it is apparent from the context that a different meaning is intended:

"Attendant" means any person employed by the city for the purpose of assisting the pool manager.

"Municipal swimming facilities" means and includes all and any part of the following:

1. Any pool heretofore or hereafter owned, operated, or maintained by the city for the purpose of swimming, wading, giving or receiving swimming or life-saving instructions or any other purpose similar or incidental to any of the foregoing;
2. All and any part of dressing rooms, shower rooms, locker rooms, restrooms, decks, bleachers, equipment rooms, storage rooms, or other rooms, buildings, equipment, facilities or area owned, operated or maintained by the city in connection with or for use with any municipal swimming pool;
3. All and any part of the area surrounding a municipal swimming pool contained within any fence, building, or other enclosure surrounding, in whole or in part, any such swimming pool.

"Pool Manager" means the person employed by the city for the purpose of supervising and maintaining a swimming pool, and enforcing all ordinances, rules and regulations pertaining to municipal swimming facilities. (Prior code §§ 3500—3503)

12.40.020 Administrative rules and regulations.

The Administrative Officer of the city may make all necessary and reasonable rules and regulations governing the use of municipal swimming facilities. Such rules and regulations may govern any of the following, but the following enumeration shall not be deemed to limit the

power of the Administrative Officer in the making of such rules and regulations:

A. The admission price to be paid by individuals or groups for admittance to or use of municipal swimming facilities;

B. The hours and lengths of time municipal swimming facilities may be used;

C. The minimum age at which any person may enter or use any municipal swimming facility;

D. The conduct of persons using municipal swimming facilities;

E. The grounds for exclusion or ejection of any person from a municipal swimming facility;

F. Any other rule or regulation for the efficient, orderly, or proper conduct of a municipal swimming facility. (Prior code §§ 3504—3504.6)

12.40.030 Destruction prohibited.

No person shall damage, destroy, deface, or injure any municipal swimming facility. (Prior code § 3506)

12.40.040 Animals prohibited.

No person shall permit any animal to enter or remain in any portion of a municipal swimming facility. (Prior code § 3506.1)

12.40.050 Vehicles prohibited.

No person shall operate or take any type of vehicle within or into any municipal swimming facility. (Prior code § 3506.2)

12.40.060 Unauthorized use prohibited.

No person shall enter, be in, remain in, or loiter about any municipal swimming facility when neither the pool manager nor an attendant is present thereat, nor at any time other than the hours specified by the Administrative Officer. (Prior code § 3507)

12.40.070 Segregation.

No person, other than a city employee when required by the performance of his official duties, shall enter, be in, or remain in, any portion of a municipal swimming facility designated by appropriate signs for use of the opposite sex. (Prior code § 3508)

12.40.080 Prohibited areas.

A. No person other than a city employee acting within the course of his or her employment shall enter, be in, or remain in, any portion of a municipal swimming facility which is posted with a legible sign stating any of the following: "Private," "Keep Out," "Restricted," or "No Admittance."

12.40.080

B. Exception. The Administrative Officer or Pool Manager may grant permission, to such persons and at such times as is necessary, to enter areas otherwise prohibited by this chapter, when such entry is necessary for the inspection, repair or maintenance of any portion of a municipal swimming facility. (Prior code §§ 3509, 3509.1)

12.40.090 Compliance.

No person shall violate any rule or regulation made by the Administrative Officer pursuant to this chapter when such rule or regulation has been posted in a conspicuous place at the portion of the municipal swimming facility affected thereby. (Prior code § 3505)

Chapter 12.44**AIRPORT REGULATIONS****Sections:**

12.44.010 Adopted.
12.44.020 Deletions.

12.44.010 Adopted.

Ordinance No. 9979 of the county of Los Angeles, as the same has been amended and is in effect in said county on April 1, 1971, and being known as the "Airport Ordinance" of the county, is adopted by reference and made the "Airport Ordinance" of the city. (Prior code § 3700)

12.44.020 Deletions.

Sections 7 and 107 of Ordinance 9979 of the county of Los Angeles as adopted by Section 12.44.010 are deleted therefrom and repealed. (Prior code § 3701)

Chapter 12.48**PARKS AND RECREATIONAL FACILITIES*****Sections:**

- 12.48.010 Declaration of legislative intent.**
- 12.48.020 Definitions.**
- 12.48.030 Park hours.**
- 12.48.040 Adoption of rules.**
- 12.48.050 Prohibited activities.**
- 12.48.060 Permit required.**
- 12.48.070 Violation—Penalty.**

* Editor's Note: The title of Chapter 12.48 was renamed by Ord. 2682 § 1.

12.48.010 Declaration of legislative intent.

The recreational facilities within the city were intended and constructed for, and it is declared to be the legislative intent of this city and of the City Council thereof that such recreational facilities be used exclusively for recreational purposes. (Prior code § 2721)

12.48.020 Definitions.

"Authorized city employee" as used in this chapter means any Peace Officer of the El Monte Police Department, any City Code Enforcement Officer as defined in Section 1.16.030(A) of this code, or any employee of the Community Services Department designated as such by the Deputy City Manager for Community Services.

Parks and Recreational Facilities Defined. Unless otherwise specified, the phrase "parks and recreational facilities" as used in this chapter, or as used in any rule adopted pursuant to this chapter, means and includes all the parks, grounds and recreational facilities at the following locations:

1. El Monte Community Center/Senior Citizen Center;
2. Tony Arceo Memorial Park;
3. Fletcher Park;
4. Pioneer Park;
5. Rio Vista Veterans Memorial Park;
6. Lambert Park;
7. Zamora Park;
8. Mountain View Park;
9. Baldwin Avenue Mini Park;
10. Park Arroyo;
11. El Monte Aquatic Facility and Municipal Swimming Pool;
12. El Monte Historical Museum;
13. Lashbrook Park;

14. Gibson Park;

15. Any other park or recreational facility owned, leased, or maintained by the city of El Monte.

"Person," as used in this chapter, and as used in any rule adopted pursuant to this chapter, means and includes every firm, association, domestic corporation, foreign corporation, joint stock corporation, syndicate, partnership, club, Massachusetts Business or Common Law Trust, society and individual. (Ord. 2682 § 2, 2006; prior code §§ 2722, 2723)

12.48.030 Park hours.

No person, other than authorized city employees of the city of El Monte, shall enter on, remain in, occupy, or visit any part or portion of any park and recreational facility under the jurisdiction of the city of El Monte between the hours of ten p.m. and five a.m. of any day unless an authorized city employee of the city of El Monte is present. No person shall remain on the premises of any park and recreational facility within the jurisdiction of the city of El Monte when asked to leave by an authorized city employee. Any person going on, remaining on, occupying, entering or visiting the aforementioned premises in violation of the foregoing, or any person refusing to leave the aforementioned premises after being asked to do so by an authorized city employee is guilty of a misdemeanor. (Ord. 2682 § 3, 2006)

12.48.040 Adoption of rules.

So that the public health, safety and welfare will be promoted to the utmost, the City Council is authorized to adopt, by resolution, rules regulating the rental or use of the recreational facilities, the time and manner of application for such use, the charges to be paid for such use and other similar administrative matters. (Prior code § 2727)

12.48.050 Prohibited activities.

The following activities are prohibited within all parks and recreational facilities as defined in this chapter:

A. To throw upon, along or across any public highway, street, roadway or driveway any missile capable of causing personal injury or damage to personal property, or to throw such missile at or toward, or in the vicinity of any vehicle standing or moving along, upon or across any section, highway, street, roadway or driveway;

B. To take or otherwise transport, or have in possession therein, or to fire or discharge therein, any firearm, firecracker, rocket, torpedo, fireworks, gun or slingshot;

C. To pick, dig, move, destroy, injure, mutilate or cut any tree, plant, shrub or bloom, flower, or any portion thereof, growing therein;

D. To cut, break, injure, deface or destroy any structure, apparatus, equipment or property therein, building, monument, sign, fence or bench, or any portion thereof, or to make or place thereon, or any portion thereof, any mark, writing or printing, or to attach thereto any sign, card, display or other similar device;

E. To throw, place or dispose of any garbage, refuse or can in any place therein other than into a garbage can or other receptacle maintained therein for that purpose, or to throw, place or dispose of any waste paper or refuse in any place other than into an incinerator, or into some can or receptacle maintained therein for that purpose;

F. To bring or maintain therein any dog, unless such dog is kept at all times under a leash under full control of its owner or custodian or failure to dispose of any animal waste in any trash receptacle;

G. To disturb the peace or quiet therein by any undue loud or unusual noise, or by tooting, blowing or sounding any automobile siren, horn or signal, or any noisemaking device, or any tumultuous conduct, or to use any vulgar, profane or obscene language therein;

H. To solicit in any manner or for any commercial purpose therein, or to sell or offer for sale any goods, wares or merchandise therein, or to distribute, or pass out any commercial handbill, advertising matter or commercial literature therein, unless such act is done pursuant to a permit authorized by the city;

I. To cook or prepare food using a portable barbeque (BBQ) device, other than those BBQ's provided by the city;

J. To create, start, or use an open fire;

K. To golf or engage in kite flying;

L. To set up, possess, use, or operate a moon bounce, or similar inflatable devices, without a city permit;

M. To use or operate any motorized bike, scooter, or other motorized two-wheel device. (Ord. 2682 § 4, 2006)

12.48.060 Permit required.

A. No person, except authorized city employees, shall use any of the recreational facilities described in subsection B of this section without having first obtained a permit from the Deputy City Manager for Community Services or his or her designated representative in accordance with the provisions of this chapter and the rules adopted pursuant to this chapter. The refusal of a permit by the Deputy City Manager for Community Services or his or her designated representative shall be appealable to the City Council. Such appeal shall be in writing and filed with the Office of the City Clerk no later than five business days following the denial of the permit, and shall be heard by the City Council at its first regular meeting held

on or after the fifth business day following the filing of such written appeal with the Office of the City Clerk. Hearing on such an appeal may be continued from time to time for good cause. The City Council may sustain, modify or reverse such denial of a permit by the Deputy City Manager for Community Services or his or her designated representative and such action by the City Council shall be final.

B. Any baseball, softball, soccer, or other athletic field; any enclosed building including, but not limited to, any gymnasium, auditorium, kitchen, meeting hall or room, recreation room, or other enclosed space; or other any other facility designated by the Deputy City Manager for Community Services. (Ord. 2682 § 5, 2006)

12.48.070 Violation—Penalty.

The violation of any provision of this chapter shall constitute a misdemeanor and, upon conviction thereof, shall be punishable as set forth in Section 1.24.010(A) of this code. (Ord. 2682 § 6, 2006)

Do Not File...

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**13. Public
Services**

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Title 13

PUBLIC SERVICES

Chapters:

- 13.04 Water Service System**
- 13.06 Water Service Rates**
- 13.08 Cross-Connections**
- 13.12 Underground Utility Districts**
- 13.16 Stormwater Management and Discharge Control**
- 13.20 Stormwater and Urban Runoff Pollution Control**

Chapter 13.04**WATER SERVICE SYSTEM****Sections:**

- 13.04.010 Water supply.**
- 13.04.020 Metered water rate commodity charges.**
- 13.04.030 Water service meter base charge.**
- 13.04.040 Fire protection water service charges.**
- 13.04.050 Billing and collections of water service commodity charges and water service meter base charges.**
- 13.04.060 Deposits required.**
- 13.04.070 Installation of public water supply system service improvements and meters.**
- 13.04.080 Application for service.**
- 13.04.090 Extension of mains.**
- 13.04.100 Failure of meter to register.**
- 13.04.110 Testing meters.**
- 13.04.120 Separate services.**
- 13.04.130 Metered service.**
- 13.04.140 Use of water.**
- 13.04.150 Check valves.**
- 13.04.160 Hydrant use approval.**
- 13.04.170 Fire hydrant flow testing.**
- 13.04.180 Consumer not to furnish water.**
- 13.04.190 Inspectors.**
- 13.04.200 Private water systems.**
- 13.04.210 Groundwater basin management and environmental clean-up charges and assessments.**

13.04.010 Water supply.

The Council declares that the water supply owned by the city is in excess of the amount required to supply the water required by the inhabitants thereof; that while and so long as such excess exists all or any part thereof may be sold outside the corporate limits of the city; but in no case shall a contract be made for a supply or any excess of water outside of the corporate boundaries for a period longer than one year; and in no case shall such a contract be made unless the Council declares by a separate ordinance that there exists an excess of water not required to supply the inhabitants of the city within the term of the contract; but water not required to supply the inhabitants of the city may be sold by the council outside the corporate limits, from month to month, during the existence of such excess. (Prior code § 7400)

13.04.020 Metered water rate commodity charges.

A. For the purpose of this section, the words "water quantity billing unit" (WQU) mean a volume or unit measure of water containing one hundred (100) U.S. gallons.

B. Each water consumer shall pay a metered water rate commodity charge to the Water Department for the amount of water delivered by the Water Department measured at the water meter installed at the water consumer's connection in accordance with the following schedule of rates and commodity charges:

1. \$0.1383 per WQU for each WQU supplied to the customer up to seventy-five (75) WQUs supplied to the customer during the current water service billing cycle; and
2. \$0.2102 per WQU for each WQU in excess of the first seventy-five (75) WQUs supplied to the customer during the current water service billing cycle. (Ord. 2633A §§ 1, 2, 2004; Ord. 2553 § 1, 2002; Ord. 2540 § 1, 2001; prior code § 7401)

13.04.030 Water service meter base charge.

A. In addition to the water commodity charge payable under Section 13.04.020 of this chapter, each consumer of water shall pay to the Water Department a monthly water service meter base charge in accordance with the following schedule:

For service through 5/8 x 3/4 inch meters	\$ 11.76
For service through 1 inch meters	25.50
For service through 1.5 inch meters	51.00
For service through 2 inch meters	81.73
For service through 3 inch meters	152.98
For service through 4 inch meters	254.96
For service through 6 inch meters	509.91
For service through 8 inch meters	815.86
For service through 10 inch meters	1,172.81

(Ord. 2633A § 3, 2004; Ord. 2553 § 2, 2002; Ord. 2540 § 2, 2001; prior code § 7401.1)

13.04.040 Fire protection water service charges.

In addition to the water commodity charges payable in accordance with the rate schedule contained in Section 13.04.020 of this chapter and the monthly water service meter base charge payable in accordance with Section 13.04.030 of this chapter, each customer who is provided with water service for private fire protection facilities shall pay to the Water Department a monthly private fire protec-

tion facilities water service charge in accordance with the following schedule:

A. Private fire protection facilities water service charge for each month commencing on December 16, 1996:

For monthly service through 2 inch meters	\$ 21.50
For monthly service through 3 inch meters	40.75
For monthly service through 4 inch meters	67.50
For monthly service through 6 inch meters	135.00
For monthly service through 8 inch meters	205.00
For monthly service through 10 inch meters	300.00

B. Private fire protection facilities water service charge for each month commencing on December 15, 1997:

For monthly service through 2 inch meters	\$ 31.25
For monthly service through 3 inch meters	58.50
For monthly service through 4 inch meters	97.50
For monthly service through 6 inch meters	195.00
For monthly service through 8 inch meters	312.00
For monthly service through 10 inch meters	450.00

C. Private fire protection facilities water service charge for each month commencing on December 14, 1998:

For monthly service through 2 inch meters	\$ 34.35
For monthly service through 3 inch meters	64.35
For monthly service through 4 inch meters	107.25
For monthly service through 6 inch meters	204.50
For monthly service through 8 inch meters	343.20
For monthly service through 10 inch meters	495.00

D. Private fire protection facilities water service charges which accrued prior to December 16, 1996, shall be payable to the Water Department in accordance with the private fire protection facilities service charge in effect under Ordinance No. 2360, dated November 10, 1992. (Prior code § 7402)

13.04.050 Billing and collections of water service commodity charges and water service meter base charges.

A. The water service commodity charges payable by each customer in accordance with the rate schedules specified in Section 13.04.020 of this chapter are due and payable to the Water Department on a bimonthly basis in arrears. The water service commodity charges payable to the

Water Department under Sections 13.04.030 and 13.04.040 of this chapter are due and payable in advance when the water service bill is tendered to the customer by the Water Department and shall become delinquent if the water service bill is not paid in full prior to the penalty date. If a water service bill is deemed delinquent by the Water Department, a ten (10) percent penalty shall be charged and added to the balance payable to the Water Department and such adjusted amount shall be due and payable to the Water Department immediately. If a delinquent bill is not paid prior to the time the water shut-off notice is picked up by a city employee to be delivered to the metered service address, the customer will be charged an additional amount of five dollars (\$5.00) for the delivery cost of the shut-off notice. If the delinquent bill is not paid by the lock-off date, and water service is disconnected, an additional penalty amount of thirty dollars (\$30.00) shall be charged to the customer.

B. Notwithstanding any other provisions of this chapter to the contrary, billings may be made and charges collected for service furnished to any consumer at such times as the City Council shall consider to be in the best interest of the Water Department and the consumer so billed, provided that charges billed for a period of more than one month shall be made as though monthly water meter measurements had been taken and had shown equal use of service each month within the period and charges had been billed monthly thereon.

C. A charge of one hundred fifty dollars (\$150.00), or an amount equal to the actual cost to the Water Department, whichever is greater, shall be payable by each customer who requests maintenance work from the Water Department at a time other than regular business hours for Water Department field service personnel ("after hours charge"). Each customer who submits a request for maintenance work subject to an after hours charge, must first sign a Water Department form agreeing to pay the after hours charge within fourteen (14) days of the date of the performance of the work by the Water Department. If the after hours charge is not paid within fourteen (14) days, a penalty in the amount of ten (10) percent of the after hour charge will be added to the amount due and shall be added to the customer's water account balance payable to the Water Department.

D. If a water meter is "locked off" by the Water Department due to nonpayment by the customer, and the lock is damaged or removed, a ten dollar (\$10.00) charge will be added to the customer's account to replace the lock. If a lock is removed from a meter, the meter may be subject to immediate removal by the Water Department without further notice to prevent fraud, further damage or unauthor

ized use of water services. A fifty dollar (\$50.00) charge will be added to the customer's account. In the event that a meter has been removed by the Water Department and thereafter the customer's premises is reconnected to the public water supply system without the prior approval of the Water Department, the city may impose a civil penalty in the amount of five hundred dollars (\$500.00) per day for each day following the date of removal of the meter to the date of discovery of the illegal service connection in addition to all other civil and criminal penalties which may be imposed upon the customer under applicable law. The customer's account must be paid in full before a water meter which has been removed by the Water Department pursuant to this subsection will be reinstalled.

E. If a customer account is closed, and the final billing is not paid within thirty (30) days after the closing date, the balance due on the closed and delinquent account (plus applicable penalties) will be transferred to any other open Water Department account that is in the customer's name. An additional twenty-five dollar (\$25.00) charge shall be payable by the customer for the transfer of such a balance to an open account.

F. The owner of property which is rented for occupancy to third persons may be liable for nonpayment of a water service account otherwise payable to the Water Department by the tenant(s) as provided in this subsection. After a water shut-off order has been executed on a service connection as provided in subsection A of this section, the Water Department shall not restore water service or authorize a change in the name in the customer account unless the owner of the property (or the new tenant on behalf of the owner) has first paid the delinquent amount to the Water Department.

G. All backflow devices that are tested by the Water Department will be billed at the rate of cost plus ten (10) percent administration fee. This charge will be added to the customer's next bimonthly billing.

H. Every customer service connection to the public water supply system is equipped with a control valve at the meter which may be used when necessary to shut off the water supply for the entire premises. The control valve shall not be operated by the customer. Upon request, such control valve will be operated by the Water Department during regular business hours without charge to the customer two (2) times per year. Any additional request for such control valve operation will be billed to the customer at a rate of fifty dollars (\$50.00) for each temporary disconnection/reconnection, except as provided in subsection C of this section.

I. Only employees or authorized agents of the Water Department may connect or disconnect the customer's

service to or from the public water supply system. The customer shall pay the cost of any reinstallation or remedial work of the Water Department which is required to restore the public water supply system following any such made necessary by any unauthorized addition, modification or removal of such water service. (Amended during 1999 recodification; prior code § 7404)

13.04.060 Deposits required.

A. On and after February 1, 1997, a cash deposit shall be required as a condition to the delivery of water service for all new applicants for service as follows:

For service through 5/8 × 3/4 × 3/4 in meters	
Residential	\$ 50.00
Commercial	75.00
For service through 1 inch meters	
Residential	75.00
Commercial	100.00
For service through 1.5 inch meters	150.00
For service through 2 inch meters	175.00
For service through 3 inch meters	200.00
For service through 4 inch meters	250.00
For service through 6 inch meters	350.00
For service through 8 inch meters	500.00
For service through 10 inch meters	550.00

If the water service is located at a property with two (2) or more units, the deposit required will be equal to the number of units serviced by the meter multiplied by the rate for the size of the meter(s) at the property to a maximum deposit of one thousand dollars (\$1,000.00).

B. Each customer who is shut-off from metered water service pursuant to Section 13.04.050(A) of this chapter shall as a

condition of restoration of service, increase the water service deposit to equal their average Water Department bimonthly billing for the customer for the last six (6) cycles. If after one year, no other shut-off order has been executed on the customer, the amount of the deposit in excess of the applicable minimum balance specified in subsection A of this section will be applied as a credit to the next bimonthly billing statement.

C. Upon termination of service, the deposits, as specified in subsections 13.04.060A and B, if applicable, will first be applied towards the depositor's unpaid water account(s), then applied towards any other fees or charges due or payable to the city by the depositor by reason of any provision of the law or the El Monte Municipal Code. The balance of the deposits, if any, shall be returned to the original depositor after all fees or charges have first been paid to the city. All deposit refunds that are returned back to the city as undeliverable will be held for up to one year from the date of the warrant. After one year the warrant will be "void" and the deposit will be deposited to the water fund of the city. Thereafter, such deposit shall be refunded only upon written request, which is to be verified. In the event the request is made by someone other than the original depositor, satisfactory evidence of the person making the request to receive such deposit refund must be supplied. In no event shall interest be paid on any deposits refunded. (Amended during 1999 recodification; prior code §§ 7405—7405.1)

13.04.070 Installation of public water supply system service improvements and meters.

Before water shall be supplied to any premises, the owner shall submit a written application to the Water Department to obtain such service and meter on a form provided by the Water Department. The Water Department will prepare an estimate of the cost of installing any improvements to the public water supply and/or water meter as necessary or appropriate in order to connect the customer to the public water supply system. As a condition to approving such an application and furnishing water to the premises, the Water Department shall require a payment of a water meter installation charge equal to the amount of the estimate, plus twenty (20) percent. In appropriate cases, and upon a finding as required by Health and Safety Code Section 33445, the El Monte Community Redevelopment Agency may agree to assume a portion of the obligation of the owner to pay for such installation costs as the Agency may in its discretion approve. Upon completion of the installation of the service and meter, the actual cost incurred by the Water Department will be confirmed and either the unused

portion of the installation deposit will be refunded to the owner or the additional cost of installation in excess of the principal amount of the installation deposit will be billed to the owner. If the owner does not pay the Water Department the excess costs within thirty (30) days, the delinquent balance will be billed to the owner, and the property as improved and benefitted by the improvements will be subject to a lien collection remedy which may be exercised by the Water Department in the manner authorized by law. (Prior code § 7406)

13.04.080 Application for service.

A. Any person desiring water service at a location where a water meter is existing shall in person apply to the Water Records Office for water service at such property. Any owner of property in the city who has on file with the City Water Department a signed application for water service with respect to any property in the city may receive water service at other metered property in the city by requesting the same by telephone; provided, however, that if water service is thus rendered, pursuant to a telephonic request by a property owner, the owner of the property must, within ten (10) days after such commencement of service, file with the Water Records Office a signed application for water service for such property. If the owner has not made such written application within ten (10) days after service was thus commenced, the water meter shall be turned off and service discontinued to such property.

B. City Business License Required for Commercial Accounts. Any business or person desiring water service who is required under Title 5 of this code to have a city business license must first obtain a current city business license before an account will be activated and water service turned on. If a city business license is required and a current city business license is not maintained by the customer water service may be subject to turn off. (Amended during 1999 recodification; prior code §§ 7406.1, 7406.2)

13.04.090 Extension of mains.

A. Where the property is located in the area included in class "A" service as hereinbefore defined, and on a public street in which there exists no water main in front of the premises applied for, the Water Superintendent shall extend the nearest water main in the direction of said property, provided that in no instance shall an extension of any water main exceed one hundred (100) feet for any one applicant who has in all other respects complied with the requirements of this chapter, excepting that the Water Superintendent may estimate the cost of any extension in excess of the one hundred (100) feet

provided by this chapter and upon payment by the applicant of the charges so estimated, same may be installed by the Water Department.

B. Whenever any tract or subdivision of land is hereafter laid out or made in the city by any person and any extension of water main or mains is required therein to serve the same, such person laying out or making said tract or subdivision shall pay one-half the cost of the installation of said water main or mains, plus the entire cost of all service connections; provided, that if the city determines that a main or mains larger than six (6) inches is required the city will pay that portion of the cost of such main or mains that is in excess of the cost of a six (6) inch main or mains, as the case may be. Such installation of water mains and service connections will ordinarily be made by the city, or the city may authorize the said person to make the installation, in which latter case said person making such installation shall submit to said city a verified statement showing in detail the cost of said installation. Upon the completion of such installation of any water main or mains said person making same shall execute to the city a good and sufficient bill of sale therefor and said water main or mains shall thereupon become the property of said city, provided further that any such water main or mains shall be of such quality and size as may be required by the Water Superintendent and shall be laid in accordance with the directions and under the supervision of the Water Superintendent. (Prior code §§ 7407, 7407.1)

13.04.100 Failure of meter to register.

If a meter fails to register during any period or is known to register inaccurately, the consumer shall be charged with an average daily consumption at same season, as shown by the meter when in use and registering accurately. (Prior code § 7408)

13.04.110 Testing meters.

Any consumer may demand that the meter through which water is being furnished, be examined and tested by the Water Department, for the purpose of ascertaining whether or not it is accurately metering the volume of water which is being delivered through it. Such demand shall be made in writing to the Water Department, and shall be accompanied by a meter testing fee of fifty dollars (\$50.00). Upon receipt of such demand, it shall be the duty of the Water Department to cause the meter to be examined and tested, for the purpose of ascertaining whether or not it is accurately metering the water being delivered through it. If on such examination and test the meter shall be found to register in excess of one and one-half percent more water than actually passes through it,

another meter will be substituted therefore, and the fee of fifty dollars (\$50.00) shall be repaid to the person making the demand, and the water bill for the current period adjusted in such manner as the Superintendent of the El Monte Water Department may deem fair and just. If the meter be found to register not over one and one-half percent fast, the fifty dollars (\$50.00) deposit shall be forfeited to the city and the water bills paid as rendered. (Prior code § 7409)

13.04.120 Separate services.

A. In all cases in which water is served to premises occupied by two (2) or more different and independent consumers of water, which premises are held under the same ownership, the owner or owners of such premises shall be and are required to provide for independent service to the curb line for each such independent consumer. Provided, however, that if the owner of such premises so served with water shall agree in writing to be responsible for and pay all money due for water used upon such premises, such independent service shall not be required. Should the owner or owners fail and refuse to provide such independent service and to assume responsibility for money due for water used upon such premises, the Water Department shall after thirty (30) days' notice to the consumers so served, and to the owner of such premises or the person in charge thereof, cut off the water from such premises until the independent services herein required are installed or the agreement assuming responsibility for money due for water served to the premises is made as herein provided.

B. No service connection shall be hereafter made for the purpose of supplying through a common service, two (2) or more independent consumers occupying premises held under the same ownership, unless said houses are on the same lot, or the property is what is known as a court, or apartment house or block covering more than one lot, and then only provided the owner or owners of such premises shall agree in writing to pay all charges for water served thereto.

C. No water shall be served to two (2) or more parcels of property separately owned through a common service pipe, unless there is no main contiguous to premises from which service may be had, and further unless the consumer first in order of service from the main shall in writing guarantee the payment of water rates for all parcels of property so served. The officers of the Water Department shall give thirty (30) days' notice in writing to all consumers served through such service before enforcing this section by cutting off water. (Prior code § 7410)

13.04.130 Metered service.

All city water used on any premises where a meter is installed, must pass through the meter, except as provided in case of private fire services. No by-pass or connection between the meter and the main shall be made or maintained. Consumers will be held responsible and charged for all water passing through their meters. (Prior code § 7411)

13.04.140 Use of water.

A. No person shall draw water from the city pipes directly into any stationary steam boiler, hydraulic elevator, power pump or similar apparatus.

B. Where city water is used to supply a steam boiler, hydraulic elevator or power pump, its owner shall provide a tank of sufficient capacity to afford a supply for at least twelve (12) hours into which the service pipe shall be discharged.

C. No person shall wilfully waste water in any manner whatsoever. No consumer shall permit leaks in water pipes or plumbing fixtures on his or her premises. (Prior code § 7412)

13.04.150 Check valves.

If, in the judgment of the Water Superintendent the placing of an approved check valve on the property side of a water meter is considered necessary for the safety of the water system, such approved check valve shall be immediately installed at the expense of the consumer, after due notice in writing has been given to the consumer by the said Water Superintendent. (Prior code § 7413)

13.04.160 Hydrant use approval.

No person shall use or operate any hydrant or other valves installed on any water system intended for fire suppression purposes and which is accessible to any public highway, alley or private way open to or generally used by the public, unless such person first secures a permit for use from the water company which supplies the water to the hydrant or valve. This section does not apply to the use of a hydrant or other valves by a person employed by and authorized to make such use by the water company which supplies water to such hydrants or other valves. No person shall use or operate any such hydrant or valve unless the same is first equipped with any eddy valve supplied by the Water Department. For the use of such eddy valve, the permit applicant shall pay a fee of ten dollars (\$10.00) plus one dollar (\$1.00) per day rental fee. Any hydrant or valve for which a permit is requested shall prior to its use by the permittee, also be equipped with a water meter furnished by the water company supplying water the hydrant or valve. The

permit applicant shall pay a fee of twenty-five dollars (\$25.00) water usage plus all water measured by such meter at the rate established by the supplying water company for use of water from such a source. In addition thereto, the applicant shall deposit with the city the sum of five hundred dollars (\$500.00), as security for the return of the eddy valve to the city in satisfactory condition, and also as security for the payment to the city for the cost of repairing any damage to a fire hydrant or a valve caused by the permittee in the use thereof or in the installation or removal of the eddy valve. From the amount of such deposit, the city shall first deduct any unpaid fees for the use of the eddy valve; the city shall next deduct from such security deposit the cost of repairing the fire hydrant or valve damaged by the permittee in the use thereof or in installing or removing the eddy valve, the city shall then deduct the cost of the water metered. After all proper deductions, the balance of any deposit, if any, shall be returned to the depositor. Any amount in excess of the deposit will be billed to the permittee and shall be due upon demand. (Added during 1999 recodification as prior code § 7414.1)

13.04.170 Fire hydrant flow testing.

Any request for fire hydrant flow forms or testing to be completed by the water department personnel within the city's Water Department boundaries is subject to a one hundred dollar (\$100.00) fee. (Added during 1999 recodification as prior code § 7414.2)

13.04.180 Consumer not to furnish water.

No consumer shall supply water to any person other than the occupant or occupants of the premises of such consumer. (Prior code § 7415)

13.04.190 Inspectors.

A. Inspectors, foremen and employees of the Water Department whose duty it may be to enter upon private premises to make inspection and examination of the pipes, fixtures or attachments used in connection with the water supply, shall be provided with a badge or other credentials to identify them as authorized agents for the Water Department.

B. Any officer, inspector, foreman or other authorized employee of the Water Department shall, upon presentation of his badge or other credentials provided for in subsection A of this section, have free access at all reasonable hours to any premises supplied with city water for the purpose of making any inspection of the entire water system upon said premises.

C. In case any authorized employee be refused admittance to any premises, or being admitted shall be

hindered or prevented from making such examination, the Superintendent of the El Monte Water Department may cause the water to be turned off from said premises after giving twenty-four (24) hours' notice to the owner or occupant of said premises of his or her intention so to do. (Prior code § 7416)

13.04.200 Private water systems.

A. All water pipes laid in the streets shall become the property of the city.

B. No person shall sell water for domestic purposes within the city without having first obtained permission so to do from the Council. (Prior code § 7417)

13.04.210 Groundwater basin management and environmental clean-up charges and assessments.

The Main San Gabriel Valley Water Basin is a groundwater basin and domestic water supply resource which has been identified by the United States Environmental Protection Agency as a contaminated site which is eligible for expenditures of public funds for purposes of responding to contamination damages under the Comprehensive Environmental Response Compensation and Liability Act of 1980, as amended (CERCLA). The city is also a party to certain judgments regarding the management and administration of groundwater rights among water producers in the Main San Gabriel Valley Water Basin including Los Angeles County Superior Court Case Nos. 722647 and 924128. Pursuant to these judgments and applicable state and federal law and sound groundwater management practices, the city may be required or compelled to make certain payments, contributions or expenditures of funds as a water producer as part of certain groundwater clean-up efforts. In the event that the City Council may find and determine that a charge or assessment for such purposes is necessary or appropriate, each water customer of the City Water Department shall be subject to such a charge or assessment in an amount as provided by resolution of the City Council. Such a charge or assessment as may be levied by resolution of the City Council, shall be collected in accordance with Section 13.04.050 and shall be identified on each bill for water services as a separate amount which is in addition to the service charges and fees as may be payable under other provisions for this chapter. (Prior code § 7420)

Chapter 13.08

CROSS-CONNECTIONS

Sections:

13.08.010	Purpose—Maintenance of cross-connections illegal.
13.08.020	Definitions.
13.08.030	Cross-connection protection requirements.
13.08.040	Backflow prevention devices.
13.08.050	Water user supervisor.
13.08.060	Administrative procedures.
13.08.070	Water service termination.
13.08.080	Violations and termination of service.

13.08.010 Purpose—Maintenance of cross-connections illegal.

A. The purpose of this chapter is to enact rules and regulations to (1) protect the public water supply system of the city against actual or potential cross-connection contamination by isolating within the premise contamination that may occur because of some undiscovered or unauthorized cross-connection on the premises; (2) to eliminate existing connections between drinking water systems and other sources of water that are not approved as safe and potable for human consumption; (3) to eliminate cross-connections between drinking water systems and sources of contamination; (4) to prevent the making of cross-connections in the future.

B. The ordinance codified in this chapter is enacted pursuant to the requirements of the State of California Code of Regulations, Title 17, Public Health, entitled "Regulation Relating to Cross-Connections."

C. It is unlawful for any person, firm, or corporation at any time to make or maintain or cause to be made or maintained, temporarily or permanently, for any period of time whatsoever, any cross-connection between plumbing pipes or water fixtures being served with water by the city and any other source of water supply or to maintain any sanitary fixture or other appurtenances or fixtures which by reason of their construction may cause or allow backflow of water or other substances into the water supply system of the city and/or the service of water pipes or fixtures of any consumer of the city. (Prior code § 7450)

13.08.020 Definitions.

As used in this chapter, the following terms, words and phrases shall have the meaning defined below:

"Air-gap separation" means a physical break between a supply pipe and a receiving vessel. The air-gap shall be at least double the diameter of the supply pipe measured vertically above the flood rim of the vessel, in no case less than one inch.

"Approved backflow prevention device" means devices which have passed laboratory and field evaluation tests performed by a recognized testing organization which has demonstrated their competency to perform such tests to the California Department of Health Services.

"Approved water supply" means any water supply whose potability is regulated by a state or local health agency.

"Auxiliary supply" means any water supply on or available to the premises other than the approved water supply.

"AWWA Standard" means an official standard development and approved by the American Water Works Association (AWWA).

"Backflow" means a flow conditions, caused by a differential in pressure that causes the flow of water or other liquids, gases, mixtures or substances into the disturbing pipes of a portable supply of water from any source or sources other than an approved water supply source. Backsiphonage is one cause of backflow. Back pressure is the other cause.

"Contamination" means a degradation of the quality of the potable water by any foreign substance which creates a hazard to the public health or which may impair the usefulness or quality of the water.

"Cross-connection" means any unprotected actual or potential connection between a potable water system used to supply water for drinking purposes and any source or system containing unapproved water or a substance that is not or cannot be approved as safe, wholesome, and potable. By-pass arrangements, jumper connections, removable sections, swivel or changeover devices, or other devices through which backflow could occur, shall be considered to be cross-connections.

"Double check valve assembly" means an assembly of at least two (2) independently action check valves including tightly closing shut-off valves on each side of the check valve assembly and test cocks available for testing the watertightness of each check valve.

"Health Agency" means the California Department of Health Services.

"Local Health Agency" means the county of Los Angeles Department of Health Services.

"Person" means an individual, corporation, company, association, partnership, municipality, public utility, or other public body or institution.

"Premise" means any and all areas on a customer's property which are served or have the potential to be served by the Water Company.

"Public water system" means a system for the provision of piped water to the public for human consumption which has five or more service connections or regularly serves an average of twenty-five (25) individuals daily at least sixty (60) days out of the year.

"Reclaimed water" means a wastewater which, as a result of treatment, is suitable for uses other than potable use.

"Reduced pressure principle backflow prevention device" means a device incorporating two (2) or more check valves and an automatically operating differential relief valve located between the two (2) or more checks, tightly closing shut-off valve on each side of the check valve assembly, and equipped with necessary test cocks for testing.

"Service connection" refers to the point of connection of a user's piping to the water suppliers' facilities.

"Water Company" means the city of El Monte or its agents/representative.

"Water user" means any person obtaining water from the Water Company, including without limitation, a customer of the Water Company. (Prior code § 7451)

13.08.030 Cross-connection protection requirements.

A. General Provisions.

1. Unprotected cross-connections with the public water system of the Water Company are prohibited.

2. Whenever backflow protection has been found necessary, the Water Company will require the water user to install an approved backflow prevention device by and at his/her expense for continued service or before a new service will be granted.

3. Wherever backflow protection has been found necessary on a water supply line entering a water user's premises, then any and all water supply lines from the Water Company entering such premises, buildings, or structures shall be protected by an approved backflow prevention device. This type of device to be installed will be in accordance with the requirements of this resolution.

B. Where Protection is Required.

1. Each service connection from the Water Company public water system for supplying water to premises having an auxiliary water supply shall be protected against backflow of water from the premises into the public water system unless the auxiliary water supply is accepted as an additional source by the Water Company, and is approved by the Health Agency.

2. Each service connection from the Water Company public water system for supplying water to any premises on which any substance is handled in such fashion as may allow its entry into the public water system shall be protected against backflow of the water from the premises into the public water system. This shall include the handling of process waters and waters originating from the Water Company public water system which have been subjected to deterioration in sanitary quality.

3. Backflow prevention devices shall be installed on the service connection to any premises having (a) internal cross-connections that cannot be permanently corrected and controlled to the satisfaction of the Health Agency and the Water Company, or (b) intricate plumbing and piping arrangements or where entry to all portions of the premises is not readily accessible for inspection purposes, making it impracticable or impossible to ascertain whether or not cross-connections exist.

C. Type of Protection Required.

1. The type of protection that shall be provided to prevent backflow into the public water supply shall be commensurate with the degree of hazard that exists on the consumer's premises. The type of protective device that may be required (listing in an increasing level of protection) includes: double check valve assembly (DC), reduced pressure principle backflow prevention device (RP), and an air-gap separation (AG). The water user may choose a higher level of protection than required by the Water Company. The minimum types of backflow protection required to protect the public water system, at the user's water connections to premises with varying degrees of hazard, are given in Table 13.08.030. Situations which are not covered in Table 13.08.030 shall be evaluated on a case by case basis and the appropriate backflow protection shall be determined by the Water Company.

Table 13.08.030
TYPE OF BACKFLOW PROTECTION REQUIRED

Degree of Hazard	Minimum Type of Backflow Prevention
A. Sewage and Hazardous Substances.	
1. Premises where the public water system is used to supplement the reclaimed water supply:	AG
2. Premises where there are wastewater pumping and/or treatment plants and there is no interconnection with the potable public water system. This does not include a single-family residence that has a sewage lift pump. An RP may be provided in lieu of an AG if approved by the Health Agency and the Water Company:	AG
3. Premises where reclaimed water is used and there is no interconnection with the potable public water system. An RP may be provided in lieu of an AG if approved by the Health Agency and the Water Company:	AG
4. Premises where hazardous substances are handled in any manner in which the substances may enter a potable public water system. This does not include a single family residence that has a sewage lift pump. An RP may be provided in lieu of an AG if approved by the Health Agency and the Water Company:	AG
5. Premises where there are irrigation systems into which fertilizers, herbicides, or pesticides are, or can be injected:	RP
B. Auxiliary Water Supplies.	
1. Premises where there is an unapproved auxiliary water supply which is interconnected with the public water system. An RP or DC may be provided in lieu of an AG if approved by the Health Agency and the Water Company:	AG
2. Premises where there is an unapproved auxiliary water supply and there are no interconnections with the public water system. A DC may be provided in lieu of an RP if approved by the Health Agency and the Water Company:	RP
C. Fire Protection Systems.	
1. Premises where the fire system is directly supplied from the public water system and there is an unapproved auxiliary water supply on or to the premises (not interconnected):	DC
2. Premises where the fire system is supplied from the public water system and interconnected with an unapproved auxiliary water supply. An RP may be provided in lieu of an AG if approved by the Health Agency and the Water Company:	AG
3. Premises where the fire system is supplied from the public water system and where either elevated storage tanks or fire pumps which take suction from the private reservoirs or tanks are used:	DC
D. Dockside Watering Points and Marine Facilities.	
1. Pier hydrants for supplying water to vessel for any purpose:	RP
2. Premises where there are marine facilities:	RP
E. Premises where entry is restricted so that inspections for cross-connections cannot be made with sufficient frequency or on sufficient frequency or on sufficiently short notice to assure that cross-connections do not exist:	RP
F. Premises where there is a repeated history of cross-connections being established or reestablished:	RP

Two (2) or more services supplying water from different street mains to the same building, structure, or premises through which an interstreet main flow may occur, shall have at least a standard check valve on each water service to be located adjacent to, and on the property side, of the respective meters. Such check valves shall not be considered adequate if backflow protection is deemed necessary to protect the city's mains from pollution or contamination: in such cases the installation of approved backflow assemblies at such service connections shall be required. (Prior code § 7452)

13.08.040 Backflow prevention devices.

A. **Approved Backflow Prevention Devices.** Only backflow prevention devices which have passed laboratory and field evaluation tests performed by a recognized testing organization which has demonstrated their competency to perform such tests to the Health Agency shall be acceptable for installation by a water user connected to the Water Company's potable public water system.

B. **Backflow Prevention Device Installation.** Backflow prevention devices shall be installed in a manner prescribed in Section 7603, Title 17 of the California Code of Regulations. Location of the devices should be as close as practical to the user's connection. The Water Company shall have the final authority in determining the required location of a backflow prevention device.

1. **Air-Gap Separation (AG).** The air-gap separation shall be located on the user's side of and as close to the service connection as is practical. All piping from the service connection to the receiving tank shall be above grade and entirely visible. No water shall be provided from any point between the service connection and the air-gap separation. The water inlet piping shall terminate a distance of at least two (2) pipe diameters of the supply inlet, but in no case less than one inch above the flood rim of the receiving tank.

2. **Reduced Pressure Principal Backflow Prevention Device (RP).** The approved reduced pressure principle backflow prevention device shall be installed on the user's side of and as close to the service connection as is practical. The device shall be installed a minimum of twelve (12) inches above grade and not more than thirty-six (36) inches above grade measured from the bottom of the device and with a minimum of twelve (12) inches side clearance. The device shall be installed so that it is readily accessible for maintenance and testing. Water supplied from any point between the service connection and the RP device shall be protected in a manner approved by the Water Company.

3. **Double Check Valve Assembly (DC).** The approved double check valve assembly shall be located as close as practical to the user's connection and shall be installed above grade, if possible, and in a manner where it is readily accessible for testing and maintenance. If a double check valve assembly is put below grade it must be installed in a vault such that there is a minimum of six (6) inches between the bottom of the vault and the bottom of the device, so that the top of the device is no more than a maximum of eight (8) inches below grade, so there is a minimum of six (6) inches of clearance between the side of the device with the rest cocks and the side of the vault, and so there is a minimum of three (3) inches clearance between the other side of the device and

the side of the vault. Special consideration must be given to double check valve assemblies of the "Y" type. These devices must be installed on their "side" with the test cocks in a vertical position so that either check valve may be removed for service without removing the device. Vaults which do not have an integrated bottom must be placed on a three (3) inch layer of gravel.

C. **Backflow Prevention Device Testing and Maintenance.**

1. The owner of any premise on which or on account of which, approved backflow prevention devices are installed, shall have the devices tested by a person who has demonstrated his or her competency in testing of these devices. Backflow prevention devices must be tested at least annually and immediately after installation, relocation or repair. The Water Company may require a more frequent testing schedule if it is determined to be necessary. No device shall be placed back in service unless it is functioning as required. A report in a form acceptable to the Water Company shall be filed with the Water Company each time a device is tested, relocated, or repaired. These devices shall be serviced, overhauled, or replaced whenever they are found to be defective and all costs of testing, repair and maintenance shall be borne by the water user.

2. Persons competent to test backflow prevention devices are those persons certified as backflow prevention assembly testers by the county of Los Angeles Department of Health Services, or the American Water Works Association. The Water Company will notify affected water users by mail when annual testing of a device is needed and shall also provide water users with the necessary forms which must be filled out each time a device is tested or repaired.

D. **Backflow Prevention Device Removal.** Approval must be obtained from the Water Company before a backflow prevention device is removed, relocated, or replaced.

1. **Removal.** The use of a device may be discontinued and the device removed from service upon presentation of sufficient evidence to the Water Company to verify that a hazard no longer exists or is not likely to be created in the future.

2. **Relocation.** A device may be relocated following confirmation by the Water Company that the relocation will continue to provide the required protection and satisfy installation requirements. A retest will be required following the relocation of the device.

3. **Repair.** A device may be removed for repair, provided the water use is either discontinued until repair is completed and the device is returned to service, or their service connection is equipped with other backflow

protection approved by the Water Company. A retest will be required following the repair of the device.

4. Replacement. A device may be removed and replaced provided the water use is discontinued until the replacement device is installed. All replacement devices must be approved by the Water Company and must be commensurate with the degree of hazard involved. (Prior code § 7453)

13.08.050 Water user supervisor.

At each premises where it is necessary, in the opinion of the Water Company, a water user supervisor shall be designated by and at the expense of the water user. This water user supervisor shall be responsible for the monitoring of the backflow prevention devices and for avoidance of cross-connections. In the event of contamination or pollution of the drinking water system due to a cross-connection on the premises, the Water Company shall be promptly notified by the water user supervisor so that appropriate measures may be taken to overcome the contamination. The water user shall inform the Water Company of the water user supervisor's identity on, as a minimum, an annual basis and whenever a change occurs. (Prior code § 7454)

13.08.060 Administrative procedures.

A. Water System Survey.

1. The Water Company shall review all requests for new services to determine if backflow protection is needed. Plans and specifications must be submitted to the Water Company for review of possible cross connection hazards as a condition of service for new service connections. If it is determined that a backflow prevention device is necessary to protect the public water system, the required device must be installed before service will be granted.

2. The Water Company may need to perform an on-premise inspection to evaluate cross-connection hazards. The Water Company will contact the water user requesting an inspection appointment. Any water user which cannot or will not allow an on-premise inspection of their piping system shall be required to install the backflow prevention device the Water Company considers necessary.

3. The Water Company may need to perform a reinspection for cross-connection hazards of any premise to which it serves water. The Water Company will contact the water user requesting a reinspection appointment. Any water user which cannot or will not allow an on-premise inspection of its piping system shall be required to install the backflow prevention device the Water Company considers necessary.

B. Customer Notification—Device Installation.

1. The Water Company will notify the water user of the inspection (or reinspection) findings, listing corrective action to be taken if required. A period of sixty (60) days will be given to complete all corrective action required including installation of backflow prevention devices. If, due to conditions beyond the water user's control, corrective action cannot be completed within sixty (60) days, a time extension may be granted.

2. A second notice will be sent to each water user which does not take the required corrective action prescribed in the first notice within the period allowed. The second notice will give the water user a two (2) week period to take the required corrective action. If no action is taken within the two (2) week period the Water Company may terminate water service to the affected water user until the required corrective actions are taken.

C. Customer Notification—Testing and Maintenance.

1. The Water Company will notify each affected water user when it is time for the backflow prevention device installed on their service connection to be tested. This written notice shall give the water user thirty (30) days to have the device tested and supply the water user with the necessary forms to be completed and submitted to the Water Company.

2. A second notice shall be sent to each water user which does not have his/her backflow prevention device tested as prescribed in the first notice within the thirty (30) day period allowed. The second notice will give the water user a two (2) week period to have his/her backflow prevention device tested. If no action is taken within the two (2) week period, the Water Company may terminate water service to the affected water user until the subject device is tested. (Prior code § 7455)

13.08.070 Water service termination.

A. General. When the Water Company encounters a water user's on-premise system that poses a clear and immediate hazard to the potable water supply that cannot be immediately abated, the Water Company shall institute procedures for discontinuing the water service.

B. Basis for Termination. Conditions or water uses that create a basis for water service termination shall include but are not limited to the following items:

1. Refusal to install a required backflow prevention device;
2. Refusal to test a backflow prevention device;
3. Refusal to repair a faulty backflow prevention device;
4. Refusal to replace a faulty backflow prevention device;

5. Direct or indirect connection between the public water system and a sewer line;

6. Unprotected direct or indirect connection between the public water system and a sewer and a system or equipment containing contaminants;

7. Unprotected direct or indirect connection between the public water system and an auxiliary water system;

8. A situation which presents an immediate health hazard to the public water system.

C. Water Service Termination Procedures.

1. For conditions found in subsection (B)(1), (2), (3) or (4) of this section, the Water Company will terminate service to a customer's premise after two (2) written notices have been sent specifying the corrective action needed and the time period in which such corrective action must be completed. If no corrective action is taken within the allowed time period water service may be terminated.

2. For conditions found in subsection (B)(5), (6), (7) or (8) of this section, the Water Company will take the following steps:

a. Make reasonable effort to advise the water user of the intent of the Water Company to terminate water service if time or other circumstances permit and if not abatement or correction is promptly obtained;

b. Terminate water supply and lock the service valve. The water service will remain inactive until the correction of the violation has been verified and approved by the Water Company. (Prior code § 7456)

giving twenty-four (24) hours written notice to the water user. (Prior code § 7457)

13.08.080 Violations and termination of service.

A. No person shall violate any provision, or fail to comply with any of the requirements of this chapter. Any person who violates any provision or who fails to comply with any of the mandatory requirements of this chapter, shall be guilty of a misdemeanor. Any person convicted of a violation of the provisions of this chapter as a misdemeanor shall be punishable by a fine of not more than one thousand dollars (\$1,000.00), or by imprisonment for a period not exceeding six (6) months, or by both such fine and imprisonment.

B. Cumulative with any other remedy, power or penalty which the Water Company may impose, in the event that any authorized employee of the Water Company is refused admittance to any premises for the purpose of conducting an inspection to verify compliance with this chapter, or if after being admitted is hindered or prevented from making a thorough premises examination, the superintendent of the Water Company may cause the water service to be terminated for the premises, after

Chapter 13.12

UNDERGROUND UTILITY DISTRICTS

Sections:

13.12.010 Definitions.

Article I. Establishment

- 13.12.020 Council hearing.
- 13.12.030 Notice.
- 13.12.040 Conducting of hearing.
- 13.12.050 Report.
- 13.12.060 Council designation of district.
- 13.12.070 Notice of establishment.
- 13.12.080 Notice of establishment—Method.

Article II. Prohibitions and Exceptions

- 13.12.090 Unlawful acts.

Article III. Responsibility

- 13.12.100 Utility companies.
- 13.12.110 Property owners.
- 13.12.120 City.

Article IV. Performance

- 13.12.130 Notice.
- 13.12.140 Content of notice.
- 13.12.150 Performance by city.
- 13.12.160 Cost report.
- 13.12.170 Notice of hearing.
- 13.12.180 Hearing on report.
- 13.12.190 Collection of cost.
- 13.12.200 Time extension.

13.12.010 Definitions.

For the purpose of this chapter certain words and phrases are defined as follows:

"Commission" means the Public Utilities Commission of the state of California.

"District" or "underground utility district" means that area in the city within which poles, overhead wires, and associated overhead structures are prohibited as such area is described in a resolution adopted pursuant to the provisions of Article I of this chapter.

"Person" means and includes individuals, firms, corporations, partnerships and their agents and employees.

"Poles, overhead wires and associated overhead structures" means poles, towers, supports, wires, conductors, guys, stubs, platforms, crossarms, braces, transformers, insulators, cutouts, switches, communication circuits, appliances, attachments and appurtenances located above-

ground within a district and used or useful in supplying electric, communication or similar or associated service.

"Utility" means and includes all persons, agencies and entities, public or private, supplying by means of electrical materials or devices, any electric, communication or similar or associated service, including any such service supplied only to departments or divisions of the supplier. (Prior code §§ 7711—7711.5)

Article I. Establishment

13.12.020 Council hearing.

The Council may from time to time call public hearings to ascertain whether the public necessity, health, safety or welfare requires the removal of poles, overhead wires and associated overhead structures within designated areas of the city and the underground installation of wires and facilities for supplying electric, communication or similar or associated service. (Prior code § 7712)

13.12.030 Notice.

The City Clerk shall notify all affected property owners as shown on the last equalized assessment roll and utilities concerned by mail of the time and place of such hearings at least ten (10) days prior to the date thereof. (Prior code § 7712.1)

13.12.040 Conducting of hearing.

Each such hearing shall be open to the public and may be continued from time to time. At such hearing all persons interested shall be given an opportunity to be heard. The decision of the Council shall be final and conclusive. (Prior code § 7712.2)

13.12.050 Report.

Prior to holding such public hearing, the Director of Public Works shall consult all affected utilities and shall prepare a report for submission at such hearing containing, among other information, the extent of such utilities' participation and estimates of the total costs to the city and affected property owners. Such report shall also contain an estimate of the time required to complete such underground installation and removal of overhead facilities. (Prior code § 7712.3)

13.12.060 Council designation of district.

If, after any such public hearing the Council finds that the public necessity, health, safety or welfare requires such removal and such underground installation within a designated area, the Council shall, by resolution, declare such designated area an underground utility district and order such removal and underground installation. Such

resolution shall include a description of the area comprising such district and shall fix the time within which such removal and underground installation shall be accomplished and within which affected property owners must be ready to receive underground service. A reasonable time shall be allowed for such removal and underground installation, having due regard for the availability of labor, materials and equipment necessary for such removal and for the installation of such underground facilities as may be occasioned thereby. (Prior code § 7712.4)

13.12.070 Notice of establishment.

Within ten (10) days after the effective date of a resolution adopted pursuant to this article, the City Clerk shall notify all affected utilities and all persons owning real property within the district created by said resolution of the adoption thereof. Said City Clerk shall further notify such affected property owners of the necessity that, if they or any person occupying such property desire to continue to receive electric, communication, or similar or associated service, they or such occupant shall, prior to the date specified in said resolution, provide all necessary facility changes on their premises so as to receive such service from the lines of the supplying utility or utilities at a new location, subject to the applicable rules, regulations and tariffs of the respective utility or utilities on file with the Commission. (Prior code § 7712.5)

13.12.080 Notice of establishment—Method.

Such notice by the City Clerk shall be made by mailing a copy of the resolution adopted pursuant to this article, together with a copy of this chapter, to affected property owners as such are shown on the last equalized assessment roll and to the affected utilities. (Prior code § 7712.6)

Article II. Prohibitions and Exceptions

13.12.090 Unlawful acts.

Whenever the Council creates an underground utility district and orders the removal of poles, overhead wires and associated overhead structures therein as provided in Article I of this chapter, it is unlawful for any person or utility to erect, construct, place, keep, maintain, continue, employ or operate poles, overhead wires and associated overhead structures in the district after the date when said overhead facilities are required to be removed by such resolution, except as said overhead facilities may be required to furnish service to an owner or occupant of property prior to the performance by such owner or occupant of the underground work necessary for such owner or occupant to continue to receive utility service

as provided in Section 13.12.110, and for such reasonable time required to remove said facilities after said work has been performed and except as otherwise provided in this chapter.

A. Exceptions. Notwithstanding the provisions of this chapter, in order to provide emergency service temporary overhead facilities may be installed and maintained for a period not to exceed ninety (90) days. Any person installing such temporary overhead facilities shall, as soon as practicable, notify the Director of Public Works of any such temporary overhead facility. The Director of Public Works may require any such temporary overhead facility to be relocated and so maintained as he may deem necessary to prevent unnecessary interference with vehicular traffic or undue hazard to the public safety.

B. Other Exceptions. This chapter, and any resolution adopted pursuant to Article I of this chapter, shall, unless otherwise provided in such resolution, not apply to the following types of facilities:

1. Any municipal facilities or equipment installed under the supervision and to the satisfaction of the Director of Public Works;
2. Poles, or electroliers used exclusively for street lighting;
3. Overhead wires (exclusive of supporting structures) crossing any portion of a district within which overhead wires have been prohibited, or connecting to buildings on the perimeter of a district, when such wires originate in an area from which poles, overhead wires and associated overhead structures are not prohibited;
4. Poles, overhead wires and associated overhead structures used for the transmission of electric energy at nominal voltages in excess of thirty-four thousand five hundred (34,500) volts;
5. Overhead wires attached to the exterior surface of a building by means of a bracket or other fixture and extending from one location on the building to another location on the same building or to an adjacent building without crossing any public street;
6. Antennae, associated equipment and supporting structures, used by a utility for furnishing communication services;
7. Equipment appurtenant to underground facilities, such as surface mounted transformers, pedestal mounted terminal boxes and meter cabinets, and concealed ducts;
8. Temporary poles, overhead wires and associated overhead structures used or to be used in conjunction with construction projects. (Prior code §§ 7713—7713.2)

Article III. Responsibility

13.12.100 Utility companies.

If underground construction is necessary to provide utility service within a district created by any resolution adopted pursuant to Article I of this chapter, the supplying utility shall furnish that portion of the conduits, conductors and associated equipment required to be furnished by it under its applicable rules, regulations and tariffs on file with the Commission. (Prior code § 7714)

13.12.110 Property owners.

Every person owning, operating, leasing, occupying or renting a building or structure within a district shall construct and provide that portion of the service connection on his property between the facilities referred to in Section 13.12.100 and the termination facility on or within said building or structure being served. If the above is not accomplished by any person within the time provided for in the resolution enacted pursuant to Article I of this chapter, the Director of Public Works shall give notice in writing to the person in possession of such premises, and a notice in writing to the owner thereof as shown on the last equalized assessment roll, to provide the required underground facilities within thirty (30) days after receipt of such notice, all in accordance with the applicable rules, regulations and tariffs of the respective utilities on file with the Commission. (Prior code § 7714.1)

13.12.120 City.

City shall remove at its own expense all city-owned equipment from all poles required to be removed hereunder in ample time to enable the owner or user of such poles to remove the same within the time specified in the resolution enacted pursuant to Article I of this chapter. (Prior code § 7714.2)

Article IV. Performance

13.12.130 Notice.

The notice to provide the required underground facilities may be given either by personal service or by mail. In the case of service by mail on either of such persons, the notice must be deposited in the United States Mail in a sealed envelope with postage prepaid, addressed to the person in possession of such premises at such premises, and the notice must be addressed to the owner thereof as such owner's name appears, and must be addressed to such owner's last known address as the same appears on the last equalized assessment roll, and when no address appears, to General Delivery, City of El Monte. If notice

is given by mail, such notice shall be deemed to have been received by the person to whom it has been sent within forty-eight (48) hours after the mailing thereof. If notice is given by mail to either the owner or occupant of such premises, the Director of Public Works shall within forty-eight (48) hours after the mailing thereof, cause a copy thereof, printed on a card not less than eight (8) inches by ten (10) inches in size, to be posted in a conspicuous place on said premises. (Prior code § 7715)

13.12.140 Content of notice.

The notice given by the Director of Public Works to provide the required underground facilities shall particularly specify what work is required to be done, and shall state that if said work is not completed within thirty (30) days after receipt of such notice, the Director of Public Works will provide such required underground facilities, in which case the cost and expense thereof will be assessed against the property benefited and become a lien upon such property. (Prior code § 7715.1)

13.12.150 Performance by city.

If upon the expiration of the thirty (30) day period, the said required underground facilities have not been provided, the Director of Public Works shall forthwith proceed to do the work; provided, however, if such premises are unoccupied and no electric or communications services are being furnished thereto, the Director of Public Works shall in lieu of providing the required underground facilities, have the authority to order the disconnection and removal of any and all overhead service wires and associated facilities supplying utility service to said property. (Prior code § 7715.2)

13.12.160 Cost report.

Upon completion of the work by the Director of Public Works, he or she shall file a written report with the City Council setting forth the fact that the required underground facilities have been provided and the cost thereof including administrative overhead, together with a legal description of the property against which such cost is to be assessed. The Council shall thereupon fix a time and place for hearing protests against the assessment of the cost of such work upon such premises, which said time shall not be less than ten (10) days thereafter. (Prior code § 7715.3)

13.12.170 Notice of hearing.

The Director of Public Works shall forthwith, upon the time for hearing such protests having been fixed, give a notice in writing to the person in possession of such premises, and a notice in writing thereof to the owner

thereof, in the manner hereinabove provided for the giving of notice to provide the required underground facilities, of the time and place that the Council will pass upon such report and will hear protests against such assessment. Such notice shall also set forth the amount of the proposed assessment. (Prior code § 7715.4)

13.12.180 Hearing on report.

Upon the date and hour set for the hearing of protests, the Council shall hear and consider the report and all protests, if there be any, and then proceed to affirm, modify or reject the assessment. (Prior code § 7715.5)

13.12.190 Collection of cost.

If any assessment is not paid within five (5) days after its confirmation by the Council, the amount of the assessment shall become a lien upon the property against which the assessment is made by the Director of Public Works, and the Director of Public Works is directed to turn over to the Assessor and Tax Collector a notice of lien on each of said properties on which the assessment has not been paid, and said Assessor and Tax Collector shall add the amount of said assessment to the next regular bill for taxes levied against the premises upon which said assessment was not paid. Said assessment shall be due and payable at the same time as said property taxes are due and payable, and if not paid when due and payable, shall bear interest at the rate of six (6) percent per annum. (Prior code § 7715.6)

13.12.200 Time extension.

In the event that any act required by this chapter or by a resolution adopted pursuant to Article I of this chapter cannot be performed within the time provided on account of shortage of materials, war, restraint by public authorities, strikes, labor disturbances, civil disobedience, or any other circumstances beyond the control of the actor, then the time within which such act will be accomplished shall be extended for a period equivalent to the time of such limitation. (Prior code § 7715.7)

Chapter 13.16

STORMWATER MANAGEMENT AND DISCHARGE CONTROL

Sections:

Article I. Title, Purpose and General Provisions

- 13.16.010 Title.
- 13.16.020 Purpose and intent.
- 13.16.030 Definitions.
- 13.16.040 Responsibility for administration.
- 13.16.050 Construction and application.
- 13.16.060 Taking.

Article II. Discharge Regulations and Requirements

- 13.16.070 Discharge of pollutants.
- 13.16.080 Discharge in violation of permit.
- 13.16.090 Illicit discharge and illicit connections.
- 13.16.100 Reduction of pollutants in stormwater.

Article III. Inspection and Enforcement

- 13.16.110 Authority to inspect.
- 13.16.120 Violations constituting misdemeanors.
- 13.16.130 Penalty for violation.
- 13.16.140 Continuing violation.
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- 13.16.170 Violations deemed a public nuisance.
- 13.16.180 California Code of Civil Procedure Section 1094.6.
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- 13.16.220 Remedies not exclusive.
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- 13.16.240 Disclaimer of liability.

Article IV. Coordination with Other Programs

- 13.16.250 Coordination with hazardous materials inventory and response program.

Article I. Title, Purpose and General Provisions

13.16.010 Title.

This chapter shall be known as the "City of El Monte Stormwater Management and Discharge Control Ordinance" and may be so cited. (Prior code § 7800)

13.16.020 Purpose and intent.

A. The purpose of this chapter is to ensure the future health, safety, and general welfare of city of El Monte citizens by:

1. Eliminating nonstormwater discharges to the municipal separate storm drain;
2. Controlling the discharge to municipal separate storm drains from spills, dumping or disposal of materials other than stormwater;
3. Reducing pollutants in stormwater discharges to the maximum extent practicable.

B. The intent of this chapter is to protect and enhance the water quality of our watercourses, water bodies, and wetlands in a manner pursuant to and consistent with the Clean Water Act. (Prior code § 7801)

13.16.030 Definitions.

A. Any terms defined in the federal Clean Water Act and acts amendatory thereof or supplementary thereto, and/or defined in the regulations for the stormwater discharge permitting program issued by the Environmental Protection Agency on November 16, 1990 (as may from time to time be amended) as used in this chapter shall have the same meaning as in that statute or regulations. Specifically, the definition of the following terms included in that statute or regulations are incorporated by reference, as now applicable or as may hereafter be amended: discharge, illicit discharge, pollutant, and stormwater. These terms presently are defined as follows:

"Discharge" means (1) any addition of any pollutant to navigable waters from any point source, or (2) any addition of any pollutant to the waters of the contiguous zone or the ocean from any point source other than a vessel or other floating craft.

"Illicit discharge" means any discharge to the city storm drain system that is not composed entirely of stormwater except discharges pursuant to an NPDES permit, discharges resulting from fire fighting activities, and discharges further exempted at Section 13.16.020.

"Municipal NPDES permit" or "NPDES permit" means the California Regional Water Quality Control Board, Los Angeles Region, Order No. 01-182, NPDES Permit No. CAS004001 Waste Discharge Requirements for Municipal Stormwater and Urban Runoff Discharges within the

County of Los Angeles, and the incorporated cities therein, except the City of Long Beach and any amendments or revisions thereof.

"Pollutant" means those "pollutants" defined in CWA Section 502 (6) (33 U.S.C. Section 1362 (6)), and incorporated by reference into California Water Code Section 13373.

"Stormwater" means stormwater runoff, snow melt runoff, and surface runoff and drainage.

B. When used in this chapter, the following words shall have the meanings ascribed to them in this section:

"Authorized enforcement officer" means the Community Development Director and those individuals designated by the Community Development Director as authorized enforcement officers.

"Best management practices" (BMPs) means methods, measures, or practices designed and selected to reduce or eliminate the discharge of pollutants to surface waters from point and nonpoint source discharges including stormwater. BMPs include structural and nonstructural controls, and operation and maintenance procedures, which can be applied before, during, and/or after pollution producing activities.

"City" means the City of El Monte.

"City storm drain system" means and includes but is not limited to those facilities within the city by which stormwater may be conveyed to the waters of the United States, including flood control channels, any roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels or storm drains, which are not part of a publicly owned treatment works (POTW) as defined at CFR Section 122.2.

"County" means the county of Los Angeles.

"County storm drain system" means and includes but is not limited to those facilities within the county by which stormwater may be conveyed to the waters of the United States, including flood control channels, any roads with drainage systems, municipal streets, catch basins, curbs, gutters ditches, man-made channels or storm drains, which are not part of a publicly owned treatment works (POTW) as defined at 40 CFR Section 122.2.

"Director" means the Community Development of the City of El Monte.

"Facility" means any nonresidential premises.

"Nonstormwater discharge" means any discharge that is not entirely composed of stormwater.

"Premises" means any building, lot parcel, real estate, or land or portion of land whether improved or unimproved including adjacent sidewalks and parking strips. (Ord. 2572 § 1, 2002: Prior code § 7802)

13.16.040 Responsibility for administration.

This chapter shall be administered for the City by the Community Development Director or his/her designee. (Ord. 2572 § 2, 2002: prior code § 7803)

13.16.050 Construction and application.

This chapter shall be construed to assure consistency with the requirements of the federal Clean Water Act and acts amendatory thereof or supplementary thereto, applicable implementing regulations, and the municipal NPDES Permit No. CAS004001 (Order No. 01-182) and any amendment, revision or reissuance thereof. (Ord. 2572 § 3, 2002: prior code § 7804)

13.16.060 Taking.

The provisions of this chapter shall not operate to deprive any landowner of substantially all of the market value of his/her property or otherwise constitute an unconstitutional taking without compensation. If application of this chapter to a specific project would create a taking then pursuant to the chapter the City Council may allow additional land uses, but only to the extent necessary to avoid a taking. Such uses shall be consistent with and carry out the purposes of this chapter as stated in Section 13.16.020. (Prior code § 7806)

Article II. Discharge Regulations and Requirements

13.16.070 Discharge of pollutants.

A. The discharge of nonstorm discharges to the city storm drain system is prohibited. All discharges of material other than stormwater discharges must be in compliance with an NPDES permit issued for the discharge (other than the municipal NPDES Permit).

B. Exemptions to Discharge Prohibition. The following discharges are exempt from the prohibition set forth in this section.

1. The prohibition of discharges shall not apply to any discharge regulated under a National Pollutant Discharge Elimination System (NPDES) permit issued to the discharger and administered by the State of California under the authority of the United States Environmental Protection Agency, provided that the discharger is in full compliance with all requirements of the permit and other applicable laws or regulations.

2. Discharges from the following activities will not be considered a source of pollutants to waters of the United States when properly managed: water line flushing and other discharges from potable water sources, landscape irrigation and lawn watering, irrigation water, diverted stream flows, rising groundwaters, infiltration to

separate storm drains, uncontaminated pumped groundwater, foundation and footing drains, water from crawl space pumps, air conditioning condensation, springs, individual residential car washings, flows from riparian habitats and wetlands, dechlorinated swimming pool discharges or flows from fire fighting, accordingly are not subject to the prohibition of discharges. (Ord. 2572 § 4, 2002: prior code § 7807)

13.16.080 Discharge in violation of permit.

Any discharge that would result in or contribute to a violation of the municipal NPDES Permit (this permit is available for viewing at the City of El Monte, Community Development Department, 11333 Valley Boulevard, El Monte, California) and any amendment, revision or reissuance thereof, either separately considered or when combined with other discharges, is prohibited. Liability for any such discharge shall be the responsibility of the person(s) causing or responsible for the discharge, and such persons shall defend, indemnify and hold harmless the city in any administrative or judicial enforcement action relating to such discharge. (Ord. 2572 § 5, 2002: prior code § 7808)

13.16.090 Illicit discharge and illicit connections.

It is prohibited to establish, use, maintain, or continue illicit drainage connections to the city storm drain system, and to commence or continue any illicit discharges to the city storm drain system. This prohibition is expressly retroactive and applies to connections made in the past, regardless of whether made under a permit or other authorization or whether permissible under the law or practices applicable or prevailing at the time of the connection. (Prior code § 7809)

13.16.100 Reduction of pollutants in stormwater.

Any person engaged in activities which will or may result in pollutants entering the city storm drain system shall undertake all practical measures to reduce such pollutants. Example of such activities include ownership and use of facilities which may be a source of pollutants such as parking lots, gasoline stations, industrial facilities, stores fronting streets, etc. The following minimum requirements shall apply:

A. 1. Littering. No person shall throw, deposit, leave, maintain, keep, or permit to be thrown, deposited, placed, left or maintained, any refuse, rubbish, garbage, or other discarded or abandoned objects, articles, and accumulations, in or upon any street, alley, sidewalk, storm drain, inlet, catch basin, conduit or other drainage struc-

tures, business place, or upon any public or private plot of land in the city, so that the same might be or become a pollutant, except containers or in lawfully established waste disposal facilities.

2. The occupant or tenant, or in the absence of occupant or tenant, the owner, lessee or proprietor of any real property in the city in front of which there is a paved sidewalk shall maintain said sidewalk free of dirt or litter to the maximum extent practicable. Sweepings from said sidewalk shall not be swept or otherwise made or allowed to go into the gutter or roadway, but shall be disposed of in receptacles maintained on said real property as required for the disposal of garbage.

3. No person shall throw or deposit litter in any fountain, pond, lake, stream, or any other body in a park or elsewhere within the city.

B. Standard for Parking Lots and Similar Structures. Persons owning or operating a paved parking lot, gas station pavement, paved private street or road, or similar structure, shall clean those structures as frequently and thoroughly as practicable in a manner that does not result in discharge of pollutants to the city storm drain system.

C. Best Management Practices for New Developments and Redevelopments. The Director may adopt regulations establishing controls on the volume and rate of stormwater runoff from new developments and redevelopments as may be appropriate to minimize the discharge and transport of pollutants. The Director may require of any construction contractor performing work in the city a water pollution prevention plan prior to final map approval, or issuance of a building permit whichever first occurs.

D. Notification of Intent and Compliance with General Permits. Each industrial discharger, discharger associated with construction activity, or other discharger, described in any general stormwater permit addressing such discharges, as may be adopted by the United States Environmental Protection Agency, the State Water Resources Control Board, or the California Regional Water Quality Control Board, shall provide notice of intent, comply with, and undertake all other activities required by any general stormwater permit applicable to such discharges. Each discharger identified in an individual NPDES permit relating to stormwater discharges shall comply with and undertake all activities required by such permit.

E. Compliance with Best Management Practices. Where Best Management Practices guidelines or requirements have been adopted by any federal, state of California, regional, and/or City Agency, for any activity, operation, or facility which may cause or contribute to stormwater pollution or contamination, illicit discharges, and/or

discharges of nonstormwater to the stormwater system, every person undertaking such activity or operation, or owning or operating such facility shall comply with such guidelines or requirements as may be identified by the Director. (Ord. 2572 §§ 6, 7, 2002; prior code § 7810)

Article III. Inspection and Enforcement

13.16.110 Authority to inspect.

A. Whenever necessary to make an inspection to enforce any of the provisions of this chapter, or whenever an authorized enforcement officer has reasonable cause to believe that there exists in any building or upon any premises any condition which constitutes a violation of the provisions of this chapter, the officer may enter such building or premises at all reasonable times to inspect the same or perform any duty imposed upon the office by this chapter; provided that (1) if such building or premises be occupied, he or she shall first present proper credentials and request entry; and (2) if such building or premises be unoccupied, he or she shall first make a reasonable effort to locate the owner or other persons having charge or control of the building or premises and request entry.

B. Any such request for entry shall state that the property owner or occupant has the right to refuse entry and that in the event such entry is refused, inspection may be made only upon issuance of a search warrant by a duly authorized magistrate. In the event the owner and/or occupant refuses entry after such request has been made, the officer is empowered to seek assistance from any court of competent jurisdiction in obtaining such entry.

C. Routine or area inspections shall be based upon such reasonable selection processes as may be deemed necessary to carry out the objectives of this chapter, including but not limited to random sampling and/or sampling in areas with evidence of stormwater contamination, illicit discharges, discharge of nonstormwater to the stormwater system, or similar factors.

D. Authority to Sample and Establish Sampling Devices. With the consent of the owner or occupant or pursuant to a search warrant, any authorized enforcement officer may establish on any property such devices as are necessary to conduct sampling or metering operations. During all inspections as provided herein, the officer may take any samples deemed necessary to aid in the pursuit of the inquiry or in the recordation of the activities on-site.

E. 1. Notification of Spills. All persons in charge of a facility or responsible for emergency response for a facility have a personal responsibility to train facility personnel and maintain notification procedures to assure immediate notification is provided to the city of any sus-

pected, confirmed or unconfirmed release of material, pollutants or waste creating a risk of discharge into the city storm drain system.

2. As soon as any person in charge of a facility or responsible for emergency response for a facility has knowledge of any suspected, confirmed or unconfirmed release of materials, pollutants or waste which may result in pollutants or nonstormwater discharge entering the city storm drain system, such person shall take all necessary steps to ensure the discovery and containment and clean up of such release and shall notify the city of the occurrence by telephoning 580-2058 and confirming the notification by correspondence to Community Development Department, Public Works and Engineering Division, 11333 Valley Boulevard, El Monte, CA 91731, Attention: Spill Notification.

F. Requirement to Test or Monitor. Any authorized enforcement officer may request that any person engaged in any activity and/or owning or operating any facility which may cause or contribute to stormwater pollution or contamination, illicit discharges, and/or discharge of nonstormwater to the stormwater system, undertake such monitoring activities and/or analyses and furnish such reports as the officer may specify. The burden, including costs, of these activities, analyses and reports shall bear a reasonable relationship to the need for the monitoring, analyses and reports and the benefits to be obtained. The recipient of such request shall undertake and provide the monitoring, analyses and reports required. (Ord. 2572 § 8, 2002; prior code § 7811)

13.16.120 Violations constituting misdemeanors.

Unless otherwise specified by chapter, the violation of any provision of this chapter, or failure to comply with any of the mandatory requirements of this chapter shall constitute a misdemeanor; except that notwithstanding any other provisions of this chapter, any such violation constituting a misdemeanor under this chapter may, at the discretion of the authorized enforcement officer may be charged and prosecuted as an infraction. (Prior code § 7812)

13.16.130 Penalty for violation.

A. Upon conviction of a misdemeanor, a person shall be subject to payment of a fine, or imprisonment, or both, not to exceed the limits set forth in California Government Code Section 36901.

B. Upon conviction of an infraction, a person shall be subject to payment of a fine, not to exceed the limits set forth in California Government Code Section 36900. After a third conviction for a violation of the same provision

subsequent violations within a twelve (12) month period may be charged as a misdemeanor. (Prior code § 7813)

13.16.140 Continuing violation.

Unless otherwise provided, a person, firm, corporation or organization shall be deemed guilty of a separate offense for each and every day during any portion of which a violation of this chapter is committed, continued or permitted by the person, firm, corporation or organization and shall be punishable accordingly as herein provided. (Prior code § 7814)

13.16.150 Concealment.

Causing, permitting, aiding, abetting or concealing a violation of any provision of this chapter shall constitute a violation of such provision. (Prior code § 7815)

13.16.160 Acts potentially resulting in violation of Federal Clean Water Act and/or Porter-Cologne Act.

Any person who violates any provision of this chapter, any provision of any permit issued pursuant to this chapter, or who discharges waste or wastewater which causes pollution, or who violates any cease and desist order, prohibition, or effluent limitation, may also be in violation of the federal Clean Water Act and/or Porter-Cologne Act and may be subject to the sanctions of those Acts including civil and criminal penalty. Any enforcement action authorized under this article should also include notice to the violator of such potential liability. (Prior code § 7816)

13.16.170 Violations deemed a public nuisance.

A. In addition to the penalties hereinbefore provided, any condition caused or permitted to exist in violation of any of the provisions of this chapter is a threat to the public health, safety and welfare, is declared and deemed a nuisance, may be summarily abated and/or restored by any authorized enforcement officer, and/or civil action to abate, enjoin or otherwise compel the cessation of such nuisance may be taken by the City Attorney.

B. The cost of such abatement and restoration shall be borne by the owner of the property and the cost thereof shall be invoiced to the owner of the property. If the invoice is not paid within sixty (60) days, a lien shall be placed upon and against the property. If the lien is not satisfied within three (3) months, the property may be sold in satisfaction thereof in a like manner as other real property is sold under execution.

C. If any violation of this chapter constitutes a seasonal and recurrent nuisance, the Director shall so declare. Thereafter such seasonal and recurrent nuisance shall be

abated every year without the necessity of any further hearing.

D. In any administrative or civil proceeding under this chapter in which the city prevails, the city shall be awarded all costs of investigation, administrative overhead, out-of-pocket expenses, costs of administrative hearings, costs of suit and reasonable attorney fees. (Ord. 2572 § 9, 2002; Prior code § 7817)

13.16.180 California Code of Civil Procedure Section 1094.6.

The provisions of Section 1094.6 of the California Code of Civil Procedure are applicable to judicial review of city decisions pursuant to this chapter. (Prior code § 7818)

13.16.190 Civil actions.

In addition to any other remedies provided in this section, any violation of this section may be enforced by civil action brought by the city in any such action, the city may seek, and the Court shall grant, as appropriate, any or all of the following remedies:

A. A temporary and/or permanent injunction;

B. Assessment of the violator for the costs of any investigation, inspection, or monitoring survey which led to the establishment of the violation, and for the reasonable costs of preparing and bringing legal action under this subsection;

C. Costs incurred in removing, correcting, or terminating the adverse effects resulting from the violation;

D. Compensatory damages for loss or destruction to water quality, wildlife, fish and aquatic life. Assessments under this subsection shall be paid to the city to be used exclusively for costs associated with monitoring and establishing stormwater discharge pollution control systems and/or implementing or enforcing the provisions of this chapter. (Prior code § 7819)

13.16.200 Administrative enforcement powers.

In addition to the other enforcement powers and remedies established by this chapter, any authorized enforcement officer has the authority to utilize the following administrative remedies:

A. Cease and Desist Orders. When an authorized enforcement officer finds that a discharge has taken place or is likely to take place in violation of this chapter, the officer may issue an order to cease and desist such discharge, or practice, or operation likely to cause such discharge and direct that those persons not complying shall: (1) comply with the requirement, (2) comply with a time schedule for compliance, and/or (3) take appropriate re-

medial or preventive action to prevent the violation from recurring.

B. Notice to Clean.

1. Whenever an authorized enforcement officer finds any oil, earth, dirt, grass, weeds, dead trees, tin cans, rubbish, refuse, waste or any other material of any kind, in or upon the sidewalk abutting or adjoining any parcel of land, or upon any parcel of land or grounds, which may result in an increase of pollutants entering the city storm drain system or a nonstormwater discharge to the city storm drain system, he or she may give notice to remove such oil, earth, dirt, grass, weeds, dead trees, tin cans, rubbish, refuse, waste or other material, in any manner that he or she may reasonably provide. The recipient of such notice shall undertake the activities as described in the notice.

2. In the event the owner or operator of a facility fails to conduct the required activities as described in the notice, the authorized enforcement officer may cause such required activities as described in the notice and the cost thereof shall be invoiced to the owner of the property. If the invoice is not paid within sixty (60) days, a lien shall be placed upon and against the property. If the lien is not satisfied by the owner of the property within three (3) months, the property may be sold in satisfaction thereof in a like manner as other real property is sold under execution. (Prior code § 7820)

13.16.210 Authority to arrest or issue citations.

A. Authorized enforcement officers shall have and are vested with the authority to arrest or cite and release any person who violates any section of this code in the manner provided by the California Penal Code for the arrest or release on citation of misdemeanors or infractions as prescribed by Chapter 5, 5c and 5d of Title 3, Part 2 of the Penal Code (or as the same may be hereinafter amended).

B. Such authorized enforcement officers or employees may issue a citation and notice to appear in the manner prescribed by Chapter 5c of Title 3, Part 2 of the Penal Code, including Section 853.6 (or as the same may hereafter be amended). It is the intent of the City Council that the immunities prescribed in Section 836.5 of the Penal Code be applicable to public officers or employees acting in the course and scope of employment pursuant to this chapter. (Prior code § 7821)

13.16.220 Remedies not exclusive.

Remedies under this chapter are in addition to and do not supersede or limit any and all other remedies, civil or criminal. The remedies provided for herein shall be cumulative and not exclusive. (Prior code § 7822)

13.16.230 Appeal.

Any person, firm, corporation or organization required to perform monitoring, analyses, reporting and/or corrective activities by an authorized enforcement officer who is aggrieved by the decision of the authorized enforcement officer may appeal such decision to the Director within ten (10) days following the effective date of the decision by writing to the Director. Upon receipt of such request, the Director shall request a report and recommendation from the authorized enforcement officer and shall set the matter for hearing at the earliest practical date. At said hearing, the Director may hear additional evidence, and may reject, affirm or modify the authorized enforcement officer's decision. Said decision shall be final. (Ord. 2572 § 10, 2002: prior code § 7823)

13.16.240 Disclaimer of liability.

The degree of protection required by this chapter is considered reasonable for regulatory purposes and is based on scientific, engineering and other relevant technical considerations. The standards set forth herein are minimum standards and this chapter does not imply that compliance will ensure that there will be no unauthorized discharge of pollutants into the waters of the United States. This chapter shall not create liability on the part of the city, any officer or employee thereof for any damages that result from reliance on this chapter or any administrative decision lawfully made thereunder. (Prior code § 7824)

Article IV. Coordination with Other Programs

13.16.250 Coordination with hazardous materials inventory and response program.

After the adoption of the ordinance codified in this chapter the business plan of any facility subject to the city's hazardous materials inventory and response program shall be revised within one year to include a program for compliance with this chapter, including the prohibitions on nonstormwater discharges and illicit discharges, and the requirement to reduce stormwater pollutants to the maximum extent practicable. All facilities notified by the City of El Monte shall be required to comply with this chapter. (Ord. 2572 § 11, 2002: prior code § 7825)

Chapter 13.20

STORMWATER AND URBAN RUNOFF
POLLUTION CONTROL

Sections:

13.20.010	Definitions.
13.20.020	Short title.
13.20.030	Applicability of this chapter.
13.20.040	Standards, guidelines and criteria.
13.20.050	Regulatory compliance.
13.20.060	Illicit discharges and nonstormwater discharges.
13.20.070	Illegal disposal/dumping.
13.20.080	Illicit connections.
13.20.090	Reduction of pollutants in runoff.
13.20.100	Control of pollutants from commercial facilities.
13.20.110	Control of pollutants from industrial activities.
13.20.120	Control of pollutants from demolition and/or construction activities.
13.20.130	Control of pollutants from other construction activities.
13.20.140	Control of pollutants from new developments.
13.20.150	Post-construction pollution reduction.
13.20.160	Pollution prevention plans.
13.20.170	Plan review and approval.
13.20.190	Installation and maintenance.
13.20.210	Inspections.
13.20.220	Violation.
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13.20.240	Remedies not exclusive.
13.20.250	Inspections, searches.
13.20.260	Fees.
13.20.270	Recovery of costs.

13.20.010 Definitions.

A. Any terms defined or incorporated into Section 13.16.030 are incorporated herein and shall have the same meanings herein as in that section.

B. The following additional words and phrases, wherever used in this chapter shall be construed as follows:

“Adverse impact” means a detrimental effect upon water quality or beneficial uses caused by the discharge of pollutant or pollutants.

“Automotive repair shop” means a facility that is categorized in any one of the following Standard Industrial Classifications (SID) codes: 5013, 5014, 5541, 7532-7534, or 7536-7539.

“Best management practices (BMPs)” means methods, measures, or practices designed and selected to reduce or eliminate the discharge of pollutants to surface waters from point and nonpoint source discharges including stormwater. BMPs include structural and nonstructural controls, and operation and maintenance procedures, which can be applied before, during, and/or after pollution producing activities.

“Clean Water Act” means the Federal Water Pollution Control Act as amended, 33 U.S. C.1251, et seq.

“City Manager” means administrative officer in charge of the city.

“Commercial development” means any development on private land that is not heavy industrial or single-family residential. The category includes, but is not limited to: hospitals, laboratories and other medical facilities, educational institutions, recreational facilities, plant nurseries, multi-family residential buildings, apartments, car wash facilities, mini-malls and other business complexes, shopping malls, hotels, office buildings, public warehouses and other light industrial complexes.

“Construction” means constructing, clearing, grading, or excavation that results in soil disturbance. Construction includes structure teardown. It does not include routine maintenance to maintain original line and grade, hydraulic capacity, or original purpose of facility; emergency construction activities required to immediately protect public health and safety; interior remodeling with no outside exposure of construction material or construction waste to stormwater; mechanical permit work; or sign permit work.

“County-wide NPDES permit,” means California Regional Water Quality Control Board, Los Angeles Region, Order No. 01-182, Waste Discharge Requirements for Municipal Stormwater and Urban Runoff Discharges within the County of Los Angeles.

“Development” means any construction, rehabilitation, redevelopment or reconstruction of any public or private residential project (whether single-family, multi-unit or planned unit development); industrial, commercial, retail and other non-residential projects, including public agency projects; or mass grading for future construction. It does not include routine maintenance to maintain original line and grade, hydraulic capacity, or original purpose of facility, nor does it include emergency construction activities required to immediately protect public health and safety.

“Directly adjacent” means situated within two hundred (200) feet of the contiguous zone required for the contin-

ued maintenance, function, and structural stability of the environmentally sensitive area.

“Discharging directly” means outflow from a drainage conveyance system that is composed entirely or predominantly of flows from the subject, property, development, subdivision, or industrial facility, and not commingled with the flows from adjacent lands.

“Environmentally sensitive areas (ESAs)” means an area in which plant or animal life or their habitats are either rare or especially valuable because of their special nature or role in an ecosystem and which would be easily disturbed or degraded by human activities and developments (California Public Resources Code § 30107.5). Areas subject to stormwater mitigation requirements are: areas designated as Significant Ecological Areas by the County of Los Angeles (*Los Angeles County Significant Areas Study, Los Angeles County Department of Regional Planning (1976)* and amendments); an area designated as a Significant Natural Area by the California Department of Fish and Game’s Significant Natural Areas Program, provided that area has been field verified by the Department of Fish and Game; an area listed in the Basin Plan as supporting the “Rare, Threatened, or Endangered Species (RARE)” beneficial use; and an area identified by a Permittee as environmentally sensitive.

“Good housekeeping practice” means a best management practice related to the transfer, storage, use, or cleanup of materials performed in a regular manner that minimizes the discharge of pollutants to the storm drain system and/or receiving waters.

“Hillside” means property located in an area with known erosive soil conditions, where the developer contemplates grading on any natural slope that is twenty-five (25) percent or greater and where grading contemplates cut or fill slopes.

“Illicit connection” means any man-made conveyance that is connected to the storm drain system without a permit, excluding roof drains and other similar type connections. Examples include channels, pipelines, conduits, inlets, or outlets that are connected directly to the storm drain system.

“Illicit discharge” means any discharge to the storm drain system that is prohibited under local, state, or federal statutes, ordinances, codes, or regulations. The term illicit discharge includes all non storm-water discharges except discharges pursuant to an NPDES permit, discharges that are identified in Part 1, “Discharge Prohibitions” of Order No. 01-182, and discharges authorized by the Regional Board Executive Officer.

“Illicit disposal” means any disposal, either intentionally or unintentionally, of material(s) or waste(s) that can pollute stormwater.

“Industrial/commercial facility” means any facility involved and/or used in the production, manufacture, storage, transportation, distribution, exchange, or sale of goods and/or commodities, and any facility involved and/or used in providing professional and non-professional services. This category of facilities includes, but is not limited to, any facility defined by the Standard Industrial Classifications (SIC). Facility ownership (federal, state, municipal, private) and profit motive of the facility are not factors in this definition.

“Industrial activity” means any of the ten (10) classifications of industrial facilities specified in 40 Code of Federal Regulations 122.26(b) (14) defined by Standard Industrial Classification (SIC) and which is required to obtain an NPDES permit, not including construction activities that cause the disturbance of five (5) acres of soil by clearing, grading, excavation, or a combination thereof.

“Infiltration” means the downward entry of water into the surface of the soil.

“Maximum extent practicable (MEP)” means the standard for implementation of stormwater management programs to reduce pollutants in stormwater. CWA § 402(p)(3)(B)(iii) requires that municipal permits shall require controls to reduce the discharge of pollutants to the maximum extent practicable, including management practices, control techniques and system, design and engineering methods, and such other provisions as the Administrator or the State determines appropriate for the control of such pollutants. See also State Board Order WQ 2000-11 at page 20.

“Municipal NPDES permit” or “NPDES permit” means the California Regional Water Quality Control Board, Los Angeles Region, Order No. 01-182, NPDES Permit No. CAS004001 Waste Discharge Requirements for Municipal Stormwater and Urban Runoff Discharges within the County of Los Angeles, and the incorporated cities therein, except the City of Long Beach and any amendments or revisions thereof.

“Municipal separate storm sewer system (MS4)” means a conveyance or system of conveyances (including roads with drainage systems, municipal streets, alleys, catch basins, curbs, gutters, ditches, manmade channels, or storm drains) owned by a state, city, county, town or other public body, that is designed or used for collecting or conveying stormwater, which is not a combined sewer, and which is not part of a publicly owned treatment works, and which discharges to waters of the United States.

“National Pollutant Discharge Elimination System” (NPDES) means the national program for issuing, modifying, revoking and reissuing, terminating, monitoring and enforcing permits, and imposing and enforcing pretreatment requirements, under CWA §307, 402, 318, and 405. The term includes an “approved program.”

“New development” means land disturbing activities; structural development, including construction or installation of a building or structure; creation of impervious surfaces; and land subdivision.

“One hundred thousand (100,000) square foot commercial development” means any commercial development that creates at least one hundred thousand (100,000) square feet of impermeable area, including parking areas.

“One hundred thousand (100,000) square foot industrial development” means any industrial development that creates at least one hundred thousand (100,000) square feet of impermeable area, including parking areas.

“Owner”, as applied to a building or real property, means any part owner-, joint owner, tenant in common, tenant in partnership, joint tenant by the entirety of the whole or of a part of such building or real property.

“Parking lot” means land area or facility for the temporary parking or storage of motor vehicles used personally, for business or for commerce with an improved lot size of five thousand (5,000) square feet or more, or with twenty-five (25) or more parking spaces potentially exposed to rainwater.

“Person” means, within the context of this chapter, any natural person, firm, association, organization, partnership, business trust, corporation, or company.

“Planning priority projects” means those projects that are required to incorporate appropriate stormwater mitigation measures into the design plan for their respective project. These types of projects include:

1. Ten (10) or more unit homes (includes single family homes, multifamily homes, condominiums, and apartments);
2. A one hundred thousand (100,000) or more square feet of impervious surface area industrial/commercial development (1 ac starting March 2003);
3. Automotive service facilities (SIC 5013, 5014, 5541, 7532-7534, and 7536-7539);
4. Retail gasoline outlets;
5. Restaurants (SIC 5812);
6. Parking lots five thousand (5,000) square feet or more of surface area or with twenty-five (25) or more parking spaces;
7. Redevelopment projects in subject categories that meet Redevelopment thresholds;

8. Projects located in or directly adjacent to or discharging directly to an ESA, which meet thresholds; and

9. Those projects that require the implementation of a site-specific plan to mitigate post-development stormwater for new development not requiring a SUSMP but which may potentially have adverse impacts on post development stormwater quality, where the following project characteristics exist:

- a. Vehicle or equipment fueling areas,
- b. Vehicle or equipment maintenance areas, including washing and repair,
- c. Commercial or industrial waste handling or storage,
- d. Outdoor handling or storage of hazardous materials,
- e. Outdoor manufacturing areas,
- f. Outdoor food handling or processing,
- g. Outdoor animal care, confinement, or slaughter or
- h. Outdoor horticulture activities.

“Projects” means all development, redevelopment, and land disturbing activities. The term is not limited to “Project” as defined under CEQA (Public Resources Code Section 21065).

“Receiving waters” means all rivers, lakes, oceans, or other bodies of water that receive runoff.

“Redevelopment” means land-disturbing activity that results in the creation, addition, or replacement of five thousand (5,000) square feet or more of impervious surface area on an already developed site. Redevelopment includes, but is not limited to: the expansion of a building footprint; addition or replacement of a structure; replacement of impervious surface area that is not part of a routine maintenance activity; and land disturbing activities related to structural or impervious surfaces. It does not include routine maintenance to maintain original line and grade, hydraulic capacity, or original purpose of facility, nor does it include emergency construction activities required to immediately protect public health and safety. Existing single-family structures are exempt from the redevelopment requirements.

“Regional Board” means a California Regional Water Quality Control Board.

“Restaurant” means a facility that sells prepared foods and drinks for consumption, including stationary lunch counters and refreshment stands selling prepared foods and drinks for immediate consumption. (SIC code 5812)

“Retail gasoline outlet” means any facility engaged in selling gasoline and lubricating oils.

“Runoff” means any runoff including stormwater and dry weather flows from a drainage area that reaches a re-

ceiving water body or subsurface. During dry weather it is typically comprised of base flow either contaminated with pollutants or uncontaminated, and nuisance flows.

“Source control BMP” means any schedule of activities, prohibitions of practices, maintenance procedures, managerial practices or operational practices that aim to prevent stormwater pollution by reducing the potential for contamination at the source of pollution.

“State Board” means the State Water Resources Control Board of the California Environmental Protection Agency (hereinafter “SWRCB”).

“Stormwater” means stormwater runoff, snow melt runoff, and surface runoff and drainage.

“Structural BMP” means any structural facility designed and constructed to mitigate the adverse impacts of stormwater and urban runoff pollution (e.g. canopy, structural enclosure). The category may include both treatment control BMPs and source control BMPs.

“Treatment” means the application of engineered systems that use physical, chemical, or biological processes to remove pollutants. Such processes include, but are not limited, to filtration, gravity settling, media absorption, biodegradation, biological uptake, chemical oxidation and UV radiation.

“Treatment control BMP” means any engineered system designed to remove pollutants by simple gravity settling of particulate pollutants, filtration, biological uptake, media absorption or any other physical, biological or chemical process.

“Urban runoff” means surface water flow produced by non-stormwater resulting from residential, commercial, and industrial activities. (Ord. 2573 § 1, 2002; Ord. 2568 § 1, 2002; Ord. 2529 § 1 (part), 2001)

13.20.020 Short title.

The ordinance codified in this chapter shall be known as the “Stormwater and Urban Runoff Pollution Control Ordinance of the City of El Monte” and may be so cited. (Ord. 2529 § 1 (part), 2001)

13.20.030 Applicability of this chapter.

A. The provisions of this chapter shall apply to the discharge, deposit or disposal of any stormwater and/or urban runoff to the storm drain system and/or receiving waters within any incorporated areas of the city covered by an NPDES municipal stormwater permit.

B. This chapter applies to all residential, industrial, commercial, construction projects and discretionary planning projects.

C. The following construction projects are excepted from application of this chapter: routine maintenance to

maintain original line and grade, hydraulic capacity or original purpose of facility; or emergency construction activities required to immediately protect public health and safety; or interior remodeling; or mechanical, electrical and sign permit work.

D. This chapter is enacted subsequent and supplemental to the provisions of Chapter 13.16. In the event of any conflict between the provisions of Chapter 13.16 and this chapter, the provisions of this chapter shall control. (Ord. 2529 § 1 (part), 2001)

13.20.040 Standards, guidelines and criteria.

The City Engineer may establish uniform minimum standards, guidelines, and/or criteria for specific discharges, connections, and/or BMPs. The provisions of this section shall not prohibit the City Engineer from requiring a discharger or permittee from taking additional measures to achieve the objectives of this chapter or any permit. (Ord. 2529 § 1 (part), 2001)

13.20.050 Regulatory compliance.

A. All persons engaged in construction activities shall operate in compliance with all stormwater discharge requirements of the United States Environmental Protection Agency, the California State Water Resources Control Board and the California Regional Water Quality Control Board, Los Angeles Region. Proof of compliance may be required by the city in a form acceptable to the City Manager or duly authorized representative thereof prior to issuance of any grading or building permit.

B. All persons engaged in construction activity within the city requiring a State General construction activities stormwater permit shall have at the site at all times and available for review during regular business hours all of the following:

1. A copy of the Notice of Intent for the state construction activities stormwater General Permit.
2. The Waste Discharge Identification number issued by the State Water Resources Control Board.
3. Copies of the stormwater Pollution Prevention Plan and the Stormwater Monitoring Plan as required by the State Construction Activities Stormwater General Permit.

C. Construction projects equal to or greater than one acre, but less than five (5) acres shall prepare and submit a Local Storm Water Pollution Prevention Plan consistent with the most recent Countywide Development Planning Model Program and Municipal NPDES Permit to the City Manager or duly authorized representative thereof for review and approval prior to the issuance of any site plan

approval, entitlement of use, or grading or building permits.

1. In the event that an inspected construction project has not adequately implemented its Local Storm Water Pollution Prevention Plan, a follow-up inspection to ensure compliance will take place within two (2) weeks. If compliance is not attained, the city shall take appropriate enforcement measures. (Ord. 2573 § 2, 2002; Ord. 2568 § 2, 2002; Ord. 2529 § 1 (part), 2001)

13.20.060 Illicit discharges and nonstormwater discharges.

A. No person shall cause or allow an illicit discharge to enter the municipal storm water system.

B. Any person causing an illicit discharge to the MS4 may be required by the City Engineer to pay for the cost of cleanup and remediation.

C. Any owner of any private property from which a nonstormwater discharge is observed may be required by the City Engineer to pay for the cost of collecting and analyzing the discharge to determine if it is an illicit discharge.

D. The following nonstormwater discharges are not considered illicit discharges:

1. Exempt discharges specified in the municipal NPDES permit, including flows from riparian habitats, diverted stream flows, springs, rising ground waters, uncontaminated groundwater infiltration; and discharges or flows from emergency fire fighting activities;

2. Conditionally exempt nonstormwater discharges that have been determined by the City Engineer not to be significant sources of pollution. Such discharges include, but are not limited to landscape irrigation, potable water, foundation drains, footing drains, air conditioning condensate, water from crawl space pumps, dechlorinated swimming pool discharges, individual residential car washing, street or sidewalk washing, or any other discharge that the Executive Officer deems not to be a significant source of pollution. Such nonstormwater discharges shall be conducted in a manner not in violation of other provisions of this chapter;

3. Nonstormwater discharges specifically allowed under a separate NPDES permit including but not limited to a General Industrial Stormwater Activity Permit or General Construction Storm Water Activity Permit. (Ord. 2529 § 1 (part), 2001)

13.20.070 Illegal disposal/dumping.

No person shall intentionally place, litter, accumulate, maintain, discharge, or cause to enter into the MS4 any pollutant or any foreign object such as batteries, tires, yard

debris, refuse, rubbish, food waste, chemicals, animal waste or oil. (Ord. 2529 § 1 (part), 2001)

13.20.080 Illicit connections.

A. No person shall maintain or intentionally use a connection that operates to convey an illicit discharge to the municipal stormwater system.

B. Upon discovery of an illicit connection, the person owning or operating such connection shall either remove it or render it incapable of conveying an illicit discharge.

C. If any person fails to eliminate an illicit connection after being called upon by the city to do so, the City Engineer shall take appropriate measures to remove or disable the illicit connection and may recover such costs from the owner of such illicit connection. (Ord. 2529 § 1 (part), 2001)

13.20.090 Reduction of pollutants in runoff.

A. No person shall cause or threaten to cause the discharge of pollutants to the MS4 by exposing such pollutants to stormwater runoff.

B. The owner of parking lot surfaces, public or private, with a capacity of twenty-five (25) spaces or more, shall cause the parking lot surface to be cleaned as often as necessary to remove refuse, residual oil, grease, or other pollutants that might otherwise be discharged to the MS4 by runoff.

C. Sawcutting wastes shall be recovered and disposed of properly and in no case shall any sawcutting waste be left on the roadway or allowed to enter the MS4. (Ord. 2573 § 3, 2002; Ord. 2529 § 1 (part), 2001)

13.20.100 Control of pollutants from commercial facilities.

A. Commercial facilities specified in the municipal NPDES permit shall implement BMPs prescribed by the regional board or its Executive Officer, through programs or actions made pursuant to the municipal NPDES permit, or by the City Engineer, to minimize the discharge of pollutants to the MS4.

B. No later than January 1, 2004, commercial facilities of more than two (2) acres shall submit a drainage plan in conformity with the standards and specifications of the City of El Monte to the City Engineer. In the event the owner of the commercial facility fails to submit a drainage plan, the City of El Monte may cause a drainage plan to be prepared by itself or an independent contractor. Any amounts expended by the City of El Monte in preparing the drainage plan shall become a lien on the property where the commercial facility is located. If the amount of the lien is not paid within thirty (30) days after written

notice by the city to the owner of the commercial facility and the owner of the underlying property, if any, the city shall have the right to enforce its lien by civil suit or otherwise in accordance with state law. (Ord. 2573 § 4, 2002: Ord. 2529 § 1 (part), 2001)

13.20.110 Control of pollutants from industrial activities.

A. It is a violation of the chapter for any industry in the city that is subject to waste discharge requirements specified in the SWRCB Water Quality Orders No. 97-03-DWQ Permit No. CASOOO01, to operate without a NPDES General Industrial Activities Stormwater Permit.

B. Industries that require a NPDES General Industrial Activities Storm Water Permit shall retain on-site the following documents which evidence compliance with permit requirements: (1) a copy of the Notice of Intent for General Permit to Discharge Water Associated with Industrial Activity; (2) a waste discharge identification number issued by the SWRCB; (3) a Stormwater Pollution Prevention Plan and Monitoring Program plan.

Any industry in the city requiring a NPDES General Industrial Activities Stormwater Permit shall, upon reasonable request from a duly authorized officer of the city, provide any of the documents described in subsection B of this section.

C. No later than January 1, 2004, industrial facilities of more than two (2) acres shall submit a drainage plan in conformity with the standards and specifications of the City of El Monte to the City Engineer. In the event the owner of the industrial facility fails to submit a drainage plan, the City of El Monte may cause a drainage plan to be prepared by itself or an independent contractor. Any amounts expended by the City of El Monte in preparing the drainage plan shall become a lien on the property where the commercial facility is located. If the amount of the lien is not paid within thirty (30) days after written notice by the city to the owner of the industrial facility and the owner of the underlying property, if any, the city shall have the right to enforce its lien by civil suit or otherwise in accordance with state law. (Ord. 2573 § 5, 2002: Ord. 2529 § 1 (part), 2001)

13.20.120 Control of pollutants from demolition and/or construction activities.

A. Stormwater runoff containing sediment, construction materials or other pollutants from the construction site and any adjacent staging, storage or parking areas shall be reduced to the maximum extent practicable. The following best management practices shall apply to all construction

projects within the city and shall be required from the time of land clearing, demolition or commencement of construction until receipt of a certificate of occupancy.

1. Sediment, construction wastes, trash and other pollutants from construction activities shall be reduced to the maximum extent practicable and prevent discharge to the MS4;

2. Structural controls such as sediment barriers, plastic sheeting, detention ponds, filters, berms, and similar controls shall be utilized to the maximum extent practicable in order to minimize the escape of sediments and other pollutants from the site;

3. Between October 1st and April 15th, all excavated soil shall be located on the site in a manner that minimizes the amount of sediment running onto the street, drainage facilities or adjacent properties. Soil piles shall be bermed or covered with plastic or similar materials until the soil is either used or removed from the site;

4. No washing of construction or other vehicles is permitted adjacent to a construction site. No water from the washing of construction or other vehicles on a construction site is permitted to runoff the construction site and enter the municipal stormwater sewer system;

5. Trash receptacles must be situated at convenient locations on construction sites and must be maintained in such a manner that trash and litter does not accumulate on the site nor migrate off site.

6. The washout of concrete trucks and chutes shall only occur in designated areas and never discharged to the MS4.

7. Temporary catch basin barriers must be installed to the satisfaction of the City Engineer.

B. No person shall be granted a grading permit or shall commence or continue any construction activity in the city that causes the disturbance of five (5) acres or more of soil clearing, grading, and excavating without demonstrating to the city that such person has obtained a NPDES General Construction Activity Stormwater Permit from the SWRCB. NPDES construction activity does not include: (1) routine maintenance to maintain original line and grade; (2) hydraulic capacity; (3) the original purpose of the facility; or (4) emergency construction activities required to immediately protect the public health and safety.

C. Any person engaged in a construction activity in the city requiring a NPDES construction permit shall retain at the construction site the following documents: (1) a copy of the Notice of Intent to Comply with Terms of the General Permit to Discharge Water Associated with Construction Activity; (2) a waste discharge identification number issued by the SWRCB; (3) a Stormwater Pollution

Prevention Plan and Monitoring Program Plan for the construction activity requiring the construction permit; (4) records of all inspections, compliance and noncompliance reports, evidence of self-inspection and good housekeeping practices; and (5) certificate that a Storm Water Pollution Prevention Plan.

D. Any person engaged in a construction activity in the city requiring a General Construction Stormwater Activity permit shall, upon reasonable request from a duly authorized officer of the city, provide any of the documents specified in subsection B of this section and shall retain said documents for at least three (3) years after completion of construction. (Ord. 2573 § 6, 2002; Ord. 2529 § 1 (part), 2001)

13.20.130 Control of pollutants from other construction activities.

Any person engaged in a construction activity subject to municipal NPDES permit, shall be required to implement BMPs specified by the regional board, its Executive Officer, or the City Engineer. (Ord. 2529 § 1 (part), 2001)

13.20.140 Control of pollutants from new developments.

A. Prior to the construction of a development or new development project, such project shall be evaluated by the city for its potential to discharge pollutants to the MS4 based on its intended land use. Such evaluation shall be conducted in accordance with development planning requirements established by the regional board or its Executive Officer, pursuant to the municipal NPDES permit.

B. Once a development or new development project has been evaluated for its potential to discharge pollutants to the MS4, the city shall require appropriate BMPs to be implemented during construction and following project completion. The prescription of BMPs shall be in keeping with requirements established by the regional board or its Executive Officer, pursuant to the municipal permit. (Ord. 2529 § 1 (part), 2001)

13.20.150 Post-construction pollution reduction.

A. All applicants for new development and redevelopment projects shall implement BMPs into the design and construction of the project to reduce pollutants in post construction storm water runoff to the maximum extent practicable. All applicants for such projects shall apply the following best management practices to all projects within the city.

1. Businesses.

- a. All yard drains and catch basins draining to the street or storm drain shall be stenciled or labeled with the "No Dumping-Drains to Ocean" logo or equivalent.

- b. Roof downspouts must not be directed to trash enclosures or material storage areas. Downspouts shall discharge to gravel or heavily vegetated areas.

- c. Trash bins must be screened or walled. Runoff water shall be diverted around trash areas to avoid flow through. Trash enclosure drainage shall be directed to vegetated areas where feasible.

- d. No hoses, hose bibs, or faucets shall be located outside except in landscaped areas or as needed for fire protection.

- e. The discharge point from any truck well sumps must discharge into a vegetative area. The vegetative area must be equivalent in size to the horizontal area of the truck ramp.

- f. Any water from washing vehicles or equipment shall be discharged to the sanitary sewer system through proper pretreatment facilities.

- g. All outdoor storage areas must be equipped with adequate secondary containment or other equivalent measures to reduce contamination of runoff. This applies to the storage of both hazardous and non-hazardous materials both solids and liquids.

2. Residential.

- a. All private yard drains and catch basins draining to the street or storm drain with grates or openings greater than or equal to one hundred thirteen (113) square inches (twelve (12) inch circle) must be stenciled or labeled with the "No Dumping – Drains to Ocean" logo or equivalent.

- b. Roof downspouts must not be directed to trash enclosures or material storage areas. Downspouts shall discharge to gravel or heavily vegetated areas.

- c. Priority shall be given to replacing cleared or graded areas with native or drought tolerant plants.

B. All applicants for new development and redevelopment priority projects shall submit an urban storm water mitigation plan consistent with the most recent County-wide Development Planning Model Program to the City Manager or duly authorized representative thereof for review and approval prior to the issuance of any site plan approval, entitlement of use, or grading or building permits.

C. All projects involving a single-family hillside home shall be required to do the following:

1. Conserve natural areas;
2. Protect slopes and channels;
3. Provide storm drain system stenciling and signage;

4. Divert roof runoff and surface flow to vegetated areas before discharge unless the diversion would result in slope instability.

D. Where a redevelopment project results in alteration of less than fifty (50) percent of impervious surfaces of a previously existing development, and the existing development was not subject to post development storm water quality control requirements, only the alteration must be mitigated, and not the entire development.

E. All Urban Stormwater Mitigation Plans shall include a signed certificate from a civil engineer or licensed architect registered in the state of California stating that the plan meets the criteria established in the NPDES Permit 01-182.

F. The Urban Stormwater Mitigation Plan shall address the following goals in connection with the long-term operation of the proposed project:

1. Minimize, to the maximum extent practicable, impacts from storm water runoff on the biological integrity of natural drainage systems and water bodies in accordance with requirements under CEQA, Section 404 of the Clean Water Act, local ordinances, and other applicable legal authorities.

2. Maximize, to the maximum extent practicable, the percentage of permeable surfaces to allow more percolation of stormwater into the ground.

3. Minimize, to the maximum extent practicable, the amount of stormwater directed to impermeable areas and to the municipal separate stormwater system.

4. Minimize, to the maximum extent practicable, parking lot pollution through the use of appropriate treatment control BMPs and good housekeeping.

5. Establish reasonable limits on clearing of vegetation from the project site including, but not limited to, regulation of the length of time during which soil may be exposed and, in certain cases, the prohibition of bare soil.

6. Provide for appropriate permanent measures to reduce stormwater pollutant loads from the development site; and

7. Properly design and maintain treatment control BMPs in a manner that does not promote the breeding of vectors.

G. Numerical Design Criteria. Post-construction treatment control BMPs for projects must incorporate, at a minimum, either a volumetric or flow based treatment control designed standard, or both, as identified below to mitigate (infiltrate, filter or treat) stormwater runoff:

1. Volumetric Treatment Control BMP.

- a. The 85th percentile twenty-four (24) hour runoff event determined as the maximized capture stormwater volume for the area, from the formula recommended in

Urban Runoff Quality Management, WEF Manual of Practice No. 23/ASCE Manual of Practice No. 87, (1998); or

- b. The volume of annual runoff based on unit basin storage water quality volume, to achieve eighty (80) percent or more volume treatment by the method recommended in *California Stormwater Best Management Practices Handbook—Industrial/Commercial, (1993); or*

- c. The volume of runoff produced from a seventy-five hundredths (0.75) inch storm event, prior to its discharge to a stormwater conveyance system; or

- d. The volume of runoff produced from a historical-record based reference twenty-four (24) hour rainfall criterion for "treatment" (seventy-five hundredths (0.75) inch average for the Los Angeles County area) that achieves approximately the same reduction in pollutant loads achieved by the 85th percentile twenty-four (24) hour runoff event.

2. Flow Based Treatment Control BMP.

- a. The flow of runoff produced from a rain event equal to at least 0.2 inches per hour intensity; or

- b. The flow of runoff produced from a rain event equal to at least two times the 85th percentile hourly rainfall intensity for Los Angeles County; or

- c. The flow of runoff produced from a rain event that will result in treatment of the same portion of runoff as treated using volumetric standards above.

H. Applicability of Numerical Design Criteria. The numeric design criteria listed above shall apply to the following categories of projects required to design and implement post-construction treatment controls to mitigate stormwater pollution:

1. Single-family hillside residential developments of one acre or more of surface area;

2. Housing developments (includes single family homes, multifamily homes, condominiums, and apartments) of ten units or more;

3. A one hundred thousand (100,000) square feet or more impervious surface area industrial/commercial development;

4. Automotive service facilities (SIC 5013, 5014, 5541, 7532-7534 and 7536-7539) [five thousand (5,000) square feet or more of surface area];

5. Retail gasoline outlets five thousand (5,000) square feet or more of impervious surface area and with projected Average Daily Traffic (ADT) of one hundred (100) or more vehicles. Subsurface treatment control BMPs which may endanger public safety (i.e., create an explosive environment) are considered not appropriate;

6. Restaurants (SIC 5812) five thousand (5,000) square feet or more of surface area;

7. Parking lots five thousand (5,000) square feet or more of surface area or with twenty-five (25) or more parking spaces;

8. Projects located in, adjacent to or discharging directly to an ESA that meet threshold conditions identified above; and

9. Redevelopment projects in subject categories that meet redevelopment thresholds. (Ord. 2568 § 3, 2002; Ord. 2529 § 1 (part), 2001)

13.20.160 Pollution prevention plans.

A. The owner or authorized representative of the owner must submit a signed statement in a form acceptable to the City Manager or duly authorized representative thereof certifying that best management practices to control the discharge of sediment and construction materials in accordance with the countywide NPDES permit and city ordinance requirement will be implemented prior to the issuance of any building or grading permit.

B. Local Stormwater Pollution Prevention Plan and Wet Weather Erosion Control Plan shall be required by the City Manager or duly authorized representative thereof consistent with the countywide NPDES permit. Such plans must be submitted to the city for review and approval prior to the issuance of building or grading permits. (Ord. 2529 § 1 (part), 2001)

13.20.170 Plan review and approval.

A. Prior to issuance of any building or grading permit for a new development project, the city shall evaluate the proposed project's potential impact:

1. Of post-construction discharges of pollutants to the storm sewer system.

2. Of how well the Urban Stormwater Mitigation Plans and Pollution Prevention Plans and other supporting informant meet the goals of this chapter.

Each plan will be evaluated on its own merits according to the site characteristics of each project site. Plans submitted to the city for review must address the entire proposed project area. Based upon the review, the City Manager or the duly authorized representative thereof may impose additional conditions on the issuance of the Planning Department approval or building or grading permits in order to minimize the discharge of pollutants into the storm drain system.

B. The City Manager or the duly authorized representative thereof may establish uniform minimum standards and criteria for the application of such standards for treatment of stormwater. The provision of this section shall not prohibit the requirement for additional treatment to accomplish the goals of this section.

C. The City Manager or the duly authorized representative thereof shall approve or disapprove the Urban Stormwater Mitigation Plan or Pollution Prevention Plan within thirty (30) days of submittal. If disapproved, the reasons for disapproval shall be given to the applicant in writing. Any plan disapproved may be revised and resubmitted for approval.

D. If no permit has been issued or no construction begun within one hundred eighty (180) days of approval of an Urban Stormwater Mitigation Plan or Pollution Prevention Plan, the Urban Stormwater Mitigation Plan or Pollution Prevention Plan for that project shall expire. The City Manager or duly authorized representative thereof may extend the time for action by the applicant upon written request by the applicant showing the circumstances showing that circumstances beyond the control of the applicant prevented the construction from beginning. (Ord. 2568 § 4, 2002; Ord. 2529 § 1 (part), 2001)

13.20.190 Installation and maintenance.

A. Structural and treatment control best management practices must be implemented and installed as shown on the approved plans. All systems shall be constructed and installed in such a manner to permit convenient and save access for perpetual inspection and maintenance.

B. Any person, firm, partnership, corporation and their agents, heirs, successor and assigns who own, operate or maintain treatment control best management practices, including, but not limited to, clarifiers, sediment ponds, and filters shall maintain the system in good working order at all times.

C. A ten thousand dollar (\$10,000.00) non-refundable bond for stormwater pollution prevention compliance shall be imposed until December 31, 2003. Beginning January 1, 2004, the amount of the bond shall be determined according to the following fee schedule: (i) \$0.50 per square foot of impervious area for residential projects, (ii) \$0.75 per square foot of impervious area for commercial and industrial projects, and (iii) \$1.00 per square foot for planning priority projects. This bond is in addition to routine grading and offsite improvements bonds.

D. The transfer or lease of a property subject to a requirement for maintenance of structural and treatment control BMP's shall include conditions requiring the transferee and its successors and assigns to either: (a) assume responsibility for maintenance of any existing structural or treatment control BMP, or (b) to replace an existing structural or treatment control BMP with new control measures or BMP's meeting the then current standards of the city and the SUSMP. Such requirement shall be included in any sale or lease agreement or deed for such property. The

condition of transfer shall include a provision that the successor property owner or lessee conducts maintenance inspections of all structural or treatment control BMP's at least once a year and retain proof of inspection.

E. For residential properties where the structural or treatment control BMP's are located within a common area which will be maintained by a homeowner's association, language regarding the responsibility for maintenance shall be included in the project's in the project's conditions, covenants and restrictions (CC&R's). Printed educational materials will be required to accompany the first deed transfer to highlight the existence of the requirement and to provide information on what stormwater management facilities are present, signs that maintenance is needed, and how the necessary maintenance can be performed. The transfer of this information shall also be required with any subsequent sale of property. (Ord. 2573 § 7, 2002; Ord. 2568 § 6, 2002; Ord. 2529 § 1 (part), 2001)

13.20.210 Inspections.

The City Manager or the duly authorized representative thereof may enter and inspect any private premises during any reasonable time for the purpose of verifying compliance with the terms and conditions of this chapter. Such inspection may include but are not limited to:

A. Inspecting efficiency or adequacy of construction or maintenance of post construction BMPs;

B. Inspection, sampling and testing any area runoff, soils in areas subject to runoff, and/or treatment system discharges;

C. Inspection of the integrity of all storm drain and sanitary sewer systems, including the use of smoke and dye tests and video survey of such pipes and conveyance systems;

D. Inspection of all records of the owner, contractor, developer or occupant of public or private property relating to BMP inspections conducted by the owner, contractor, developer or occupant;

E. Identifying points of stormwater discharge from the premises whether surface or subsurface and locating any illicit connection or discharge. (Ord. 2568 § 8, 2002; Ord. 2529 § 1 (part), 2001)

13.20.220 Violation.

A. Violation of any provision of the chapter shall be misdemeanor.

B. Notification of Uncontrolled Discharges Required. The City Engineer, or the City Engineer's designees, may issue notices of violation and administrative orders to achieve compliance with the provisions of this

chapter. Failure to comply with the terms and conditions of such a notice of violation or an administrative order shall constitute a violation of this chapter. (Ord. 2529 § 1 (part), 2001)

13.20.230 Nuisance.

The violation of any provision of this chapter is declared to be a nuisance, and may be abated by the city in accordance with its authority to abate nuisances. (Ord. 2529 § 1 (part), 2001)

13.20.240 Remedies not exclusive.

The remedies listed in this chapter are not exclusive of any other remedies available to the city under any applicable federal, state or local law and it is within the discretion of the city to seek cumulative remedies. (Ord. 2529 § 1 (part), 2001)

13.20.250 Inspections, searches.

Whenever necessary to make an inspection to enforce any provisions of this chapter, the enforcement officer for the city may enter any property in the city regulated by this chapter in a manner authorized by state law. (Ord. 2529 § 1 (part), 2001)

13.20.260 Fees.

Fees to recover the plan checking, inspection, and other costs of this program will be established by resolution of the City Council. (Ord. 2568 § 9, 2002; Ord. 2529 § 1 (part), 2001)

13.20.270 Recovery of costs.

The City Engineer, his designee, or enforcement officer of the city may recover from any other person who has been found in violation of this chapter any cost incurred in issuing and enforcing any provision of this chapter. Actual costs shall include, but are not limited to the cost to the city for the reinspection of the property, monitoring, cleanup, and the preparation, issuance and enforcement of any subsequent notice or order. (Ord. 2529 § 1 (part), 2001)

Title 14

(Reserved)

Do Not File...

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*15 Buildings and
Construction*

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Title 15

BUILDINGS AND CONSTRUCTION*

Chapters:

- 15.01 Building Code**
- 15.02 Plumbing Code**
- 15.03 Mechanical Code**
- 15.05 Electrical Code**
- 15.06 Signs and Billboards**
- 15.07 El Monte Art in Public Places Program**
- 15.08 Public Facilities Impact Fees**
- 15.10 Miscellaneous Deletions**
- 15.12 Deletions**
- 15.14 State Energy Calculation Review Fee**
- 15.22 Building Regulations—Housing Numbering**
- 15.24 Building Regulations—Moving, Relocation and Demolition of Buildings, Part 1—Definitions**
- 15.26 Building Regulations—Moving, Relocation and Demolition of Buildings, Part 2—Design Approval**
- 15.28 Building Regulations—Moving, Relocation and Demolition of Buildings, Part 3—Relocation Permit**
- 15.30 Building Regulations—Moving, Relocation and Demolition of Buildings, Part 4—Moving of Buildings**
- 15.32 Building Regulations—Moving, Relocation and Demolition of Buildings, Part 5—Demolition of Buildings**
- 15.34 Fire Code**

* Prior ordinance history: Ords. 2532, 2571 and 2646.

Chapter 15.01**BUILDING CODE*****Sections:**

- 15.01.010** **Adoption of California Building Code, 2007 Edition.**
- 15.01.020** **Definitions.**
- 15.01.030** **Amendment of Section 113 of the California Building Code, 2007 Edition.**
- 15.01.040** **Amendment of subsection 105.2 of Appendix Chapter 1 of the California Building Code, 2007 Edition.**
- 15.01.050** **Amendment of subsection 106.1.1 of Appendix Chapter 1 of the California Building Code, 2007 Edition.**
- 15.01.060** **Amendment of subsection 105.3 of Appendix Chapter 1 of the California Building Code, 2007 Edition.**
- 15.01.070** **Amendment of subsections 108.1, 108.2 and 108.3 of Appendix Chapter 1 of the California Building Code, 2007 Edition.**
- 15.01.080** **Amendment of Section 202 of Chapter 2 (Definitions) of the California Building Code, 2007 Edition.**
- 15.01.090** **Amendment of Section 3408 (Moved Buildings) of Chapter 34 (Existing Structures) of the California Building Code, 2007 Edition.**
- 15.01.100** **Adoption of Chapter 31 (Special Construction).**
- 15.01.110** **Adoption of Appendix "J" (Grading).**
- 15.01.120** **Adoption of additional appendix chapters.**
- 15.01.130** **Exclusion of certain other model codes.**

* Prior ordinance history: Ord. 2665.

15.01.010 Adoption of California Building Code, 2007 Edition.

A. Volumes I and II of the California Building Code, 2007 Edition are adopted in their entirety and incorporated

by reference into the El Monte Municipal Code, together with, and subject to, those amendments, additions, modifications and deletions delineated in this chapter, below. For the purposes of this Chapter 15.01, the California Building Code, 2007 Edition and its appendices as adopted herein may be referred to collectively as the "El Monte Building Code" or "this code."

B. The purpose of this code is to provide minimum standards to safeguard life or limb, health, property and public welfare by regulating and controlling the design, construction, quality of materials, use and occupancy, location and maintenance of all buildings and structures within the city of El Monte and certain equipment specifically regulated herein. (Ord. 2710 § 5 (part), 2007)

15.01.020 Definitions.

Except as otherwise provided in this chapter, the words used in El Monte Building Code shall have the meanings ascribed to them within El Monte Building Code. The foregoing notwithstanding, the following terms shall have the meanings set forth below for purposes of this chapter and the El Monte Building Code:

A. Whenever the term "municipality," "city," or "city of El Monte" is used, it means the city of El Monte or the appropriate department, division, or agency of said city as the context may reasonably require.

B. Whenever the term "legislative body" or "City Council" is used, it means the City Council of the city of El Monte, California.

C. Whenever the term "Building Official" is used, it means Chief Building Official of the city of El Monte.

D. Whenever the term "Building Department" is used, it refers to the Division of Building and Safety of the Community Development Department of the city of El Monte.

E. If any term used in the El Monte Building Code refers to an office, officer, board, commission or other public body not established by, or having jurisdiction over or within, the city of El Monte, the term shall be deemed to refer to such office, officer, board, commission or other public body as shall in fact be charged with the responsibility of performing the duty intended to be performed by said office, officer, board, commission or other public body.

F. The term "California Building Code" or "California Building Code, 2007 Edition" as used in El Monte Municipal Code means and refers to the El Monte Building Code as adopted and incorporated by reference under this chapter. (Ord. 2710 § 5 (part), 2007)

**15.01.030 Amendment of Section 113 of the
California Building Code, 2007
Edition.**

Adoption of the California Building Code, 2007 Edition shall be subject to the addition of the following subsection 113.5 (Municipal Code Violations) to the text of Section 113 (Violations) of Appendix Chapter 1 (Administration) of said code:

Any person who violates any provision of the El Monte Building Code shall be punishable as provided under Chapter 1.24 (General Penalty) of the El Monte Municipal Code.

(Ord. 2710 § 5 (part), 2007)

**15.01.040 Amendment of subsection 105.2 of
Appendix Chapter 1 of the
California Building Code, 2007
Edition.**

Adoption of the California Building Code, 2007 Edition shall be subject to the following amendment to subsection 105.2 (Work Exempt from Permit) of Section 105 (Permits) of Appendix Chapter 1 (Administration):

Item "4" (relating to retaining walls not exceeding 4') shall be excluded and omitted from the list of items for which a building permit is not required.

(Ord. 2710 § 5 (part), 2007)

**15.01.050 Amendment of subsection 106.1.1 of
Appendix Chapter 1 of the
California Building Code, 2007
Edition.**

Adoption of the California Building Code, 2007 Edition shall be subject to the addition of item 106.1.1.4 (Future Property Line) to subsection 106.1.1 of Section 106 (Construction Documents) of Appendix Chapter 1 (Administration). This added item 106.1.1.4 shall state the following:

106.1.1.4 Future Property Line.

(a) It is contemplated that certain streets within the territorial boundaries of the City of El Monte may be widened in the future in compliance with the circulation elements of the City's updated General Plan. When such streets are proposed for future widening such information shall be shown on the official zoning maps in Title 17 of the El Monte Municipal Code.

(b) Whenever building permits are issued for a structure on a lot having a future property line shown

thereon in the official zoning maps, such future property line shall be considered to be the official lot line(s) for purposes of establishing building locations relative to set-backs, yard areas, open yards and the like.
(Ord. 2710 § 5 (part), 2007)

**15.01.060 Amendment of subsection 105.3 of
Appendix Chapter 1 of the
California Building Code, 2007
Edition.**

Adoption of the California Building Code, 2007 Edition shall be subject to the addition of item 105.3.3 (Demolition Permits) to subparagraph 105.3 (Application for Permit) of Section 105 (Permits) of Appendix Chapter 1 (Administration). This added item 105.3.3 shall state the following:

105.3.3 Demolition Permits.

(a) Demolition permits may be issued to raze buildings and structures when the following preconditions have been satisfied:

1. The permit applicant provides the Building Official with a reasonably detailed written description of the subject property as well as a legal description.

2. The permit applicant provides the Building Official with the date the contemplated demolition will begin.

3. The terms and conditions, if any, upon which each permit is granted are written upon the permit application or appended in writing thereto.

4. The permit applicant, or his/her/its authorized agent, posts a cash/surety bond or a depositor's cash book assignment in an amount equal to the estimated cost, plus ten (10%) percent of the work required to be done or other amount as determined by the Building Official. Such costs shall be as estimated by the Building Official.

5. The permit applicant provides the Building Official with proof of compliance with the rules and regulations of the South Coast Air Quality Management District.

(b) The Building Official may waive the requirement for a bond or deposit at his/her discretion when

the demolition is included as part of the permit for a new structure on the same site.

(c) Each bond posted or deposit made pursuant to the provisions of this Appendix Chapter 1 (Administration) shall expressly require that each and every term and/or condition associated with a demolition permit be complied with to the satisfaction of the Building Official.

(d) If a demolition permit does not set forth a specific completion date, the work authorized shall be completed within sixty (60) days after the date of the issuance of the demolition permit, unless otherwise set forth by the written order of the Building Official in his/her discretion.

(e) Whenever the Building Official finds that a default has occurred in the performance of any term or condition of any demolition permit, the Building Official shall give written notice thereof to the permittee. In such notice of default, the Building Official shall state the work to be done, the estimated costs thereof, and the period of time determined by the Building Official to be reasonably necessary for the completion of such work. If compliance is not had within the time specified by the Building Official, the Building Official, without delay and without further notice or proceeding, shall proceed to use any cash/surety bond or depositor's cash book or any portion of such instrument, to cause the required work to be done by contract or otherwise. The balance, if any, of such instrument upon the completion of the work, shall be returned to the depositor or to his successors or assigns after deducting the cost of the work, plus ten (10%) percent thereof.

(f) When a cash/surety bond or depositor's cash book assignment has been posted, the Building Official shall return the cash/surety or release the cash book assignment to the depositor or to his successors or assigns upon the termination of the bond, except any portion thereof that may have been used or deducted as elsewhere provided in this chapter.

(g) In the event of any default in the performance of any term or condition of the demolition permit, the Building Official, or any duly authorized person employed or engaged by the City, may go upon the premises to complete the required work or to remove or demolish the building or structure. The owner, or his representatives, successors, or assignees, or any other per-

son who interferes with or obstructs the ingress or egress to or from any such premises of any authorized representative or agent of any surety or of the City of El Monte engaged in the work of completing, demolishing, or removing any building or structure for which a demolition permit has been issued after a default has occurred in the performance of the terms or conditions thereof shall be guilty of a violation punishable in accordance with Title 1 (General Provisions), Chapter 1.24 (General Penalty) of the El Monte Municipal Code.

(h) In addition to the demolition permit, permits for encroachments of public rights-of-way, the construction of protective canopies, electrical wiring, and the like, shall be obtained when required by the El Monte Municipal Code.

(i) The requirements for pedestrian protection shall be those set forth under Chapter 33 (Site, Work, Demolition and Construction) of the El Monte Building Code as adopted herein. Except as otherwise provided under the El Monte Building Code, any use of the public right-of-way shall conform to the requirements of the El Monte Department of Public Works.

(j) The requirements, restrictions and procedures for the filling abandoned cesspools and the capping of abandoned sewer lines shall be those set forth under the El Monte Plumbing Code as adopted pursuant to Chapter 15.16 of the El Monte Municipal Code.

(k) All rubble, including footings and slabs, and debris shall be removed from the premises and the premises shall be left in a clean and orderly condition. The Building Official may approve alternate methods upon a written request by the applicant.

(l) A permit applicant for any of the following varieties of projects, activities or undertakings shall also comply with the provisions of Chapter 8.20 (Solid Waste - Removal, Collection, Disposal and Diversion) of the El Monte Municipal Code: (i) any project, activity or undertaking involving construction, demolition, additions, alterations, remodeling, encroachments, tenant improvements or grading when such projects, activities or undertakings require a building, demolition, encroachment and/or grading permit; (ii) any renovation and repair projects performed at all varieties of premises (including but not limited to roof tear-offs); (iii) any premises clean-outs (including but not limited

to apartment clean-outs); (iv) any warehouse clean-ups; (v) nuisance and/or weed abatement clean-ups; or (vi) any street/road maintenance clean-ups.
(Ord. 2710 § 5 (part), 2007)

15.01.070 Amendment of subsections 108.1, 108.2 and 108.3 of Appendix Chapter 1 of the California Building Code, 2007 Edition.

The adoption of the California Building Code, 2007 Edition shall be subject to the amendment of subsections 108.1, 108.2 and 108.3 of Appendix Chapter 1 (Administration) in their entirety. As amended, subsections 108.1, 108.2 and 108.3 shall now read as follows:

108.1 General

All fees or service charges established in connection with this Chapter shall be paid to the Building Official c/o the El Monte License/Treasury Division. Permit and plan check fees and any other Code-related fees or service charges shall be established by resolution of the El Monte City Council and may be amended, modified and/or updated from time to time by resolution.

108.2 Permit Fees

The determination of value or valuation under any of the provisions of this Chapter shall be made by the Building Official whose determination shall be final. The value to be utilized in computing the permit and plan review fees established pursuant to this Chapter, shall be the total value of all work for which the permit is issued including, by way of illustration and not by limitation, construction and finish work, painting, roofing, electrical, plumbing, heating, air-conditioning, elevators, fire-extinguishing systems, and all other permanent equipment. The fee for each permit shall be as set forth in City of El Monte Schedule of Building Permit Fees (also known as Table 1-A) which shall be on file at the El Monte Building Division for viewing, copying and inspection.

108.3 Plan Review Fees

(a) When a plan or other data is required to be submitted for review and approval by the Building Official pursuant to this chapter, a plan review fee shall be paid at the time of submittal of such plan or other data. Where the plan or other data is incomplete or changed

so as to require additional plan review (recheck), a recheck fee shall be paid at the time of submittal of such plan or other data. Said plan review and recheck fees shall be established and may be amended from time to time, by resolution of the City Council.

(b) Plan Review Fees. When submittal documents are required by Section 106, a plan review fee shall be paid at the time of submitting the submittal documents for plan review. Said plan review fee shall be sixty-five percent (65%) of the building permit fee as shown in Table 1-A. The plan review fees specified in this section are separate fees from the permit fees specified in Section 108 and are in addition to the permit fees. When submittal documents are incomplete or changed so as to require additional plan review or when the project involves deferred submittal items as defined in Section 106, an additional plan review fee shall be charged at the rate shown in Table 1.
(Ord. 2710 § 5 (part), 2007)

15.01.080 Amendment of Section 202 of Chapter 2 (Definitions) of the California Building Code, 2007 Edition.

Adoption of the California Building Code, 2007 Edition shall be subject to amendment of Section 202 of Chapter 2 (Definitions) of the California Building Code, 2007 Edition by the addition of the following defined term to the list of defined terms set forth therein:

GARAGE, PRIVATE, is a building or portion of a building in which motor vehicles are kept or stored, and which has three sides fully enclosed with approved materials. The fourth side shall be provided with a door or doors providing ingress and egress for the motor vehicles to be kept therein.
(Ord. 2710 § 5 (part), 2007)

15.01.090 Amendment of Section 3408 (Moved Buildings) of Chapter 34 (Existing Structures) of the California Building Code, 2007 Edition.

Adoption of the California Building Code, 2007 Edition shall be subject to the amendment in its entirety of Section 3408 (Moved Buildings) of Chapter 34 (Existing Structures). As amended, Section 3408 shall state the following:

Section 3408. Moved Buildings.

A. Buildings, structures, and their building service equipment moved into or within this jurisdiction shall comply with the provisions of the technical codes for new buildings or structures and their building service equipment. Applicants requesting moving permits shall submit a certificate showing freedom from termite infestation for each building or structure to be moved. Said certificate shall be submitted at the time application for the moving permit has been duly filed. Upon filing of the application for permit to move a building or structure, and payment of the fee prescribed in the adopted fee schedule, the Building Official shall cause the building or structure to be inspected and shall prepare a written report which shall be forwarded to the applicant. This report shall indicate the approval or disapproval by the Building Official, and if approved for moving, shall outline the requirements necessary to make the building or structure conform to the codes and regulations of this and other ordinances duly adopted by the City of El Monte.

B. The report of inspection shall remain valid for a period of ninety (90) days from the date that the building or structure has been inspected. If the building or structure has not been relocated by the expiration of this time limit, then a new report and inspection fee shall be required. The applicant shall agree in writing, which shall be notarized, to make all the required changes and repairs within one hundred and eighty (180) days after relocation and shall post with the Building Official, a faithful performance bond, cash or surety, in an amount equal to the cost of the required reconstruction as determined by the Building Official. The faithful performance bond shall guarantee that the required changes shall be made, or the building or structure shall be removed or demolished and the site cleared, cleaned and restored to its original condition insofar as is practical.

(Ord. 2710 § 5 (part), 2007)

15.01.100 Adoption of Chapter 31 (Special Construction).

A. Except as otherwise provided under this section, below, Chapter 31 (Special Construction) of the California Building Code, 2007 Edition is adopted in its entirety.

B. Adoption of Chapter 31 (Special Construction) as stated in subsection A, above, shall be subject to the following amendment:

Subsection 3109.4.1 of Chapter 31 is amended by the replacement of its first sentence with the following sentence:

The top of the barrier shall be at least sixty (60) inches above grade measured on the side of the barrier that faces away from the swimming pool.
(Ord. 2710 § 5 (part), 2007)

15.01.110 Adoption of Appendix "J" (Grading).

A. Except as otherwise provided under this section, below, Appendix "J" (Grading) of the California Building Code, 2007 Edition, is adopted in its entirety.

B. Adoption of Appendix "J" (Grading) as stated in subsection A, above, shall be subject to the following amendments:

1. There is added a subsection J103.3 of Appendix "J" (Grading) which shall state the following:

Grading Fees. Whenever any permit fees, plans review fees, inspection fees or other fees are required to be paid, the same shall be paid in accordance with the procedures and in such amounts as established, and may be amended from time to time, by resolution of the City Council.

2. Section J109 (Drainage and Terracing) is amended in its entirety to state the following:

Section J109. Drainage. All drainage facilities shall be of such design as to carry surface waters to the nearest practical street, storm drain, or natural watercourse approved by the City Engineer.

Drainage waters shall not flow over a public sidewalk or parkway, but shall be deposited in a concrete receptor, located outside the driveway and parking area where possible, and approved for the purpose, and then carried under the sidewalk or parkway, through the curb into the gutter in a manner approved by the City Engineer.

EXCEPTION: Group U Occupancies and R-3 Occupancies, other than townhouses, may flow over a public sidewalk or parkway.

Surface waters entrapped on adjacent properties by reason of any fill shall be drained, by the installation of pipes, conduits, culverts, or flumes in keeping with good engineering practices and design, to the nearest

street, storm drain, or natural watercourse, as approved by the Director of Public Works and shall be the responsibility of the owner of the property on which the fill is placed.

No slope of any kind shall drain surface waters onto adjoining property limits and where fill exceeds twelve (12") inches in depth.

(Ord. 2710 § 5 (part), 2007)

15.01.120 Adoption of additional appendix chapters.

The following parts of the California Building Code, 2007 Edition are adopted in their entirety:

- A. Part 8, Historical Building Code; and
- B. Part 10, Existing Building Code.

(Ord. 2710 § 5 (part), 2007)

15.01.130 Exclusion of certain other model codes.

Any additional model codes which may happen to be contained within the same book volumes as the California Building Code, 2007 Edition, are not adopted or incorporated into the El Monte Municipal Code unless stated in this chapter. (Ord. 2710 § 5 (part), 2007)

Chapter 15.02**PLUMBING CODE****Sections:**

- 15.02.010 Adoption of California Plumbing Code, 2007 Edition.**
- 15.02.020 Administrative authority.**
- 15.02.030 Fees and service charges.**
- 15.02.040 Adoption of additional appendices.**

15.02.010 Adoption of California Plumbing Code, 2007 Edition.

A. The California Plumbing Code, 2007 Edition is adopted in its entirety and incorporated by reference into the El Monte Municipal Code, together with, and subject to, those amendments, additions, modifications and deletions delineated in this chapter, below. In so adopting and incorporating by reference the provisions of the California Plumbing Code, 2007 Edition, it is the intent of the city to adopt and incorporate by reference the 2006 Uniform Plumbing Code of the International Association of Plumbing and Mechanical Officials to the same extent it was adopted and incorporated by the state of California by way of the California Plumbing Code, 2007 Edition, all subject to additional city modifications detailed in this chapter, below. For the purposes of this Chapter 15.02, the California Plumbing Code, 2007 Edition as adopted herein may be referred to as the "El Monte Plumbing Code" or "this code."

B. The purpose of this code is to provide minimum standards to safeguard life or limb, health, property, and public welfare by regulating and controlling the design, construction, quality of materials, erection, installation, alteration, repair, location, relocation, replacement, addition to, use or maintenance of any plumbing system within the city of El Monte. (Ord. 2706 § 5 (part), 2007)

15.02.020 Administrative authority.

Adoption of the California Plumbing Code, 2007 Edition shall be subject to the addition of the following sentence to subsection 102.1 (Authority Having Jurisdiction) of Section 102.0 (Organization and Enforcement) of Appendix Chapter 1 (Administration):

Whenever the terms "Administrative Authority" or "Authority Having Jurisdiction" is used in this Code or its appendices, it shall mean and refer to the Chief Building Official of the City of El Monte or designee. (Ord. 2706 § 5 (part), 2007)

15.02.030 Fees and service charges.

The adopted provisions of the California Plumbing Code, 2007 Edition notwithstanding, permit and plan check fees and any other code-related fees or service charges shall be established by resolution of the El Monte City Council and may be amended, modified and/or updated from time to time by resolution. (Ord. 2706 § 5 (part), 2007)

15.02.040 Adoption of additional appendices.

A. Adoption of the California Plumbing Code, 2007 Edition shall be subject to adoption of appendices Appendix Chapter 1 Administration and Appendices "A," "B," "D," "E," "F," "I," "K," and "L."

B. Adoption of the California Plumbing Code, 2007 Edition shall be subject to the adoption and incorporation of an additional Appendix M (Swimming Pools). As adopted, Appendix M (Swimming Pools) shall state and provide the following:

**APPENDIX M
Swimming Pools**

Basic Provisions: Appendix M (Swimming Pools) is hereby added for the purpose of providing basic plumbing regulations with respect to swimming pools.

M1 - Swimming pool waste water shall be disposed of as hereinafter set forth in this section and the type of disposal proposed shall be approved by the Administrative Authority prior to the commence of any work. A means of disposal of the total contents of the pool (periodic emptying) without surface run-off shall be established to the satisfaction of the Administrative Authority.

M2 - The following are legal methods of swimming pool waste water disposal:

1. To a public sewer.
2. On the property if the property is large enough to insure that runoff will not encroach on abutting property.
3. To a tank truck.

M3 - No direct connection shall be made between any sewer, drainage system, drywell or sub-

soil irrigation line and any line connected to a swimming pool.

M4 - Waste water from any filter, scum gutter overflow, pool emptying line or similar apparatus or appurtenance when discharged to any part of a drainage system, shall be provided with a three (3) inch (76.2 mm) trap.

M5 - Except as provided in M6, the discharge outlet terminal from any pool or filter shall be protected from backflow by an air gap at least six (6) inches (152.4 mm) above the floor rim of the receptor.

M6 - No scum gutter drain, overflow drain, back wash discharge drain, or pool emptying line shall enter any receptor below the rim unless the pool piping at its deepest point, the bottom of the filters, and the bottom of the scum gutter drain, through or overflow inlets are at least six (6) inches (152.4 mm) above the surface rim of the receptor.

M7 - A positive point of potable water supply to each swimming pool shall be established and shall be installed as required by Chapter 6 of the Uniform Plumbing Code.

M8 - Plans for other than private swimming pools shall be approved by the Los Angeles County Health Department.

(Ord. 2706 § 5 (part), 2007)

Chapter 15.03**MECHANICAL CODE****Sections:**

- 15.03.010 Adoption of California
Mechanical Code, 2007 Edition.**
- 15.03.020 Fees and service charges.**

**15.03.010 Adoption of California Mechanical
Code, 2007 Edition.**

A. The California Mechanical Code, 2007 Edition is adopted in its entirety and incorporated by reference into the El Monte Municipal Code, together with, and subject to, those amendments, additions, modifications and deletions delineated in this chapter, below. In so adopting and incorporating by reference the provisions of the California Mechanical Code, 2007 Edition, it is the intent of the city to adopt and incorporate by reference the 2006 Uniform Mechanical Code of the International Association of Plumbing and Mechanical Officials to the same extent it was adopted and incorporated by the state of California by way of the California Mechanical Code, 2007 Edition, all subject to additional city modifications detailed in this chapter, below. For the purposes of this Chapter 15.03, the California Mechanical Code, 2007 Edition as adopted herein may be referred to as the "El Monte Mechanical Code" or the "code."

B. The purpose of this code is to provide minimum standards to safeguard life or limb, health, property, and public welfare by regulating and controlling the design, construction, quality of materials, location, operation and maintenance or use of heating, ventilation, cooling, refrigeration systems, incinerators and other miscellaneous heat-producing appliances within the city of El Monte. (Ord. 2708 § 2 (part), 2007; Ord. 2668 § 2 (part), 2006)

15.03.020 Fees and service charges.

The adopted provisions of the California Mechanical Code, 2007 Edition notwithstanding, permit and plan check fees and any other code-related fees or service charges shall be established by separate resolution of the El Monte City Council and may be amended, modified and/or updated from time to time by resolution. (Ord. 2708 § 2 (part), 2007; Ord. 2668 § 2 (part), 2006)

Chapter 15.05**ELECTRICAL CODE****Sections:**

- 15.05.010 Adoption of California Electrical Code, 2007 Edition.**
- 15.05.020 Amendment of Article 90 (Introduction) of the California Electrical Code, 2007 Edition.**
- 15.05.030 Authority of Building Official.**
- 15.05.040 Aluminum wiring.**
- 15.05.050 Fees and service charges.**

15.05.010 Adoption of California Electrical Code, 2007 Edition.

A. The California Electrical Code, 2007 Edition is adopted in its entirety and incorporated by reference into the El Monte Municipal Code, together with, and subject to, those amendments, additions, modifications and deletions delineated in this chapter, below. In so adopting and incorporating by reference the provisions of the California Electrical Code, 2007 Edition, it is the intent of the city to adopt and incorporate by reference the 2005 Edition of the National Electrical Code of the National Fire Protection Association to the same extent it was adopted and incorporated by the state of California by way of the California Electrical Code, 2007 Edition, all subject to additional city modifications detailed in this chapter, below. For the purposes of this Chapter 15.05, the California Electrical Code, 2007 Edition as adopted herein may be referred to as the "El Monte Electrical Code" or "this code."

B. The purpose of this code is to provide minimum standards to safeguard life or limb, health, property, and public welfare by regulating and controlling the design, construction, quality of materials, erection, installation, alteration, repair, location, relocation, replacement, addition to, use or maintenance of any electrical system within the city of El Monte. (Ord. 2709 § 4 (part), 2007: Ord. 2667 § 1 (part), 2006)

15.05.020 Amendment of Article 90 (Introduction) of the California Electrical Code, 2007 Edition.

Adoption of the California Electrical Code, 2007 shall be subject to the addition of Section 90-10 (Administration) to Article 90 (Introduction). As adopted, Section 90-10 shall read as follows:

90-10. Administration.

All administrative permitting and related requirements of the El Monte Electrical Code shall be governed by the applicable provisions of Chapter 1.24 (General Penalty) of Title 1 (General Provisions) of the El Monte Municipal Code.
(Ord. 2709 § 4 (part), 2007: Ord. 2667 § 1 (part), 2006)

15.05.030 Authority of Building Official.

The adopted provisions of the California Electrical Code, 2007 Edition notwithstanding, the Building Official of the city of El Monte, or the Building Official's expressly authorized, city-employed representative(s) shall oversee the enforcement of the provisions of the El Monte Electrical Code and shall be vested with the authority to enforce all such provisions on behalf of the city of El Monte. (Ord. 2709 § 4 (part), 2007: Ord. 2667 § 1 (part), 2006)

15.05.040 Aluminum wiring.

The adopted provisions of the California Electrical Code, 2007 Edition notwithstanding, plans for electrical systems utilizing aluminum wiring shall be submitted by a registered electrical engineer for review and approval by the Building Official or his or her designee before an electrical permit may be issued. (Ord. 2709 § 4 (part), 2007: Ord. 2667 § 1 (part), 2006)

15.05.050 Fees and service charges.

The adopted provisions of the California Electrical Code, 2007 Edition notwithstanding, permit and plan check fees and any other code-related fees or service charges shall be established by resolution of the El Monte City Council and may be amended, modified and/or updated from time to time by resolution. (Ord. 2709 § 4 (part), 2007: Ord. 2667 § 1 (part), 2006)

Chapter 15.06

SIGNS AND BILLBOARDS

Sections:

15.06.010 Prior code Section 8102—Deleted.

15.06.010 Prior code Section 8102—Deleted.

Section 8102 of the El Monte Municipal Code is deleted. (Ord. 2653 § 1 (part), 2005)

Chapter 15.07

EL MONTE ART IN PUBLIC PLACES PROGRAM

Sections:

- 15.07.010** **Program creation.**
- 15.07.020** **Definitions.**
- 15.07.030** **Requirement to provide art work or pay in-lieu contribution.**
- 15.07.040** **Project subject to art in public places requirement.**
- 15.07.050** **Guidelines for art work.**
- 15.07.060** **Processing.**
- 15.07.070** **Art in Public Places Advisory Committee.**
- 15.07.080** **Art in public places fund.**

15.07.010 **Program creation.**

This chapter may be known and cited as the “El Monte Art in Public Places Program.” The intent of the Art in Public Places Program is to provide a collection of nationally recognized, permanent outdoor art work throughout the city of El Monte, to be of public benefit. The program is designed to present the community with a variety of art work styles and themes, all of the highest possible quality. (Ord. 2642 § 1 (part), 2006)

15.07.020 **Definitions.**

As used in this chapter:

“Advisory Committee” means the Art in Public Places Advisory Committee organized pursuant to Section 15.07.070 of this chapter.

“Art Coordinator” means a person designated by the Deputy City Manager for Community Development who shall review and evaluate all applications submitted pursuant to this chapter; work with project applicants to develop and refine art work proposals; and make recommendations to the Art in Public Places Advisory Committee.

“Art work” means original creations of art including, but not limited to, the following categories: sculpture, murals, mosaic and fountains. These categories may be realized through such mediums as steel, bronze, stained glass, concrete, wood, ceramic tile and stone, as well as other materials deemed suitable under the program guidelines established by the Deputy City Manager for Community Development.

“Development project” and “project” means any construction, rehabilitation or renovation undertaking for which a building permit is required, including, but not limited to, construction, rehabilitation or renovation under-

takings that are completed in multiple phases under separate building permits applied for within a twelve (12) month period commencing from the date that the first of the building permit is issued.

“Planning Division” means the El Monte Planning Division of the El Monte Community Development Department.

“Project” means any undertaking that develops, erects, constructs, enlarges, alters, repairs, moves, improves, removes, converts or demolishes any real property and/or improvements.

“Project cost” means the total value of a development project, excluding the land value, whether or not the development project is undertaken (i) in a single phase under a single building permit; or (ii) in multiple phases under multiple building permits applied for within a twelve (12) month period commencing from the date that the first of the building permits is issued.

“Public place” means any exterior area on public or private property which is accessible and visible to the general public. (Ord. 2685 §§ 1, 2, 2007; Ord. 2642 § 1 (part), 2006)

15.07.030 **Requirement to provide art work or pay in-lieu contribution.**

When a project is subject to the requirements of this chapter, the project applicant shall comply with provisions of either subsection A or B of this section or a combination of both:

A. The project applicant shall acquire and install an art work in a public place on or in the vicinity of the project site as approved by the City Council pursuant to this chapter. The cost or value of such work as approved by the City Council shall equal or exceed the amount of an in-lieu contribution that would otherwise be made under subsection B of this section.

B. In lieu of acquiring and installing an art work, project applicants may contribute funds to the art in public places fund established pursuant to Section 15.07.080 of this chapter equal to one percent of the total project cost. The in-lieu fee shall be paid by the project applicant before the issuance of building permits, unless otherwise provided by the City Council. Project applicants shall indicate on their art in public places application that they wish to make an in-lieu contribution. (Ord. 2642 § 1 (part), 2006)

15.07.040 **Project subject to art in public places requirement.**

A. The requirements of this chapter shall apply to the following development projects:

1. Commercial or industrial projects which incur project costs totaling more than five hundred thousand

dollars (\$500,000.00), including, but not limited to, commercial or industrial development projects undertaken in multiple phases under separate building permits within a twelve (12) month period commencing from the date the first of the multiple building permits is issued;

2. Development projects involving the new construction of four (4) or more residential dwelling units, including, but not limited to, development projects involving the new construction of four (4) or more residential dwelling units (i) within a single building, structure or mixed use development; (ii) within a planned unit development; or (iii) within a mixed-unit development.

For purposes of this section commercial or industrial development projects include, but are not limited to, the construction, rehabilitation and/or renovation of (i) multiple tenant developments; (ii) nonresidential portions of mixed-use developments; and (iii) buildings, facilities or other structures designed and approved for the following purposes: retail or wholesale; manufacturing; mechanical repair; office use; mini-mall; personal care facilities; entertainment; restaurant, dining or other food preparation; on-sale liquor establishment and off-sale liquor establishment; storage; agricultural; hotel, motel, motor hotel, inn, boarding house, or lodging house.

B. Exceptions. The requirements of this chapter shall not apply to the following activities:

1. All public work and governmental agency projects;

2. Reconstruction of structures which have been damaged by fire, flood, wind, earthquake or other calamity;

3. Religious, hospital, scientific, charitable organizations, public educational institutions (such as public primary and secondary schools, public colleges, public adult schools and the like) if the project is constructed on property exempt from taxation pursuant to California Revenue and Taxation Code Section 214. (Ord. 2685 § 3, 2007; Ord. 2642 § 1 (part), 2006)

15.07.050 Guidelines for art work.

Subject to approval by the City Council, the El Monte Community Development Department shall develop and establish guidelines for the construction, approval and maintenance of art works. For the purposes of this chapter such guidelines shall be referred to elsewhere in this chapter as the "city guidelines." The city guidelines shall include, but are not limited to, the following criteria:

A. The art work shall be displayed in an area that is open and freely accessible to the public for at least ten (10) hours each day or displayed in a manner which otherwise provides public accessibility in an equivalent manner

based on the characteristics of the art work or its placement on the site;

B. The art in public places application shall include a site plan showing the location of the art work, complete with landscaping, lighting and other appropriate accessories to complement and protect the art work;

C. The composition of the art work shall be of a permanent type of material in order to be durable against vandalism, theft and weather, and in order to require a low level of maintenance;

D. The art work shall be related in terms of scale, materials, form and content to immediate and adjacent buildings and landscaping so that it complements the site and surrounding environment;

E. The art work shall be designed and constructed by persons experienced in the production of such art work and recognized by critics and by his or her peers as one who produces works of art;

F. The art work shall be permanently affixed to the property;

G. The art work shall be maintained by the property owner in a safe, neat, clean and orderly manner acceptable to the city. The art work shall also be maintained in good repair;

H. The art work installed on a project site shall remain the property of the project applicant. Art work installed on city property shall be the property of the city;

I. Prior to the issuance of building permits, the property owner shall execute and record with the Registrar-Recorder/County Clerk for the county of Los Angeles, covenants, conditions and restriction in the form and content approved by the Deputy City Manager for Community Development and the City Attorney providing, among other things: (1) that the property owner, its successor and assigns and all subsequent owners of the underlying real property shall maintain the art work as required by subsection G of this section; (2) that the owner shall indemnify, defend and hold the city, its elected and appointed officials, officers, employees, volunteers and related parties harmless from any and all claims or liabilities arising out of the art work; and (3) that owner shall provide the City Clerk's office with a certificate of public liability insurance naming the city as an additional insured including such coverage and liability limits as may be specified by the Deputy City Manager for Community Development;

J. The following items are not to be considered as art works:

1. Art objects which are mass produced from a standard design,

2. Reproductions of original art works,

3. Decorative, ornamental or functional elements which are designed by the building architect as opposed to an artist commissioned for the purpose of creating the art work,

4. Landscape architecture and landscape gardening except where these elements are designed or approved by the artist and are in integral part of the art work by the artist,

5. Services or utilities necessary to operate or maintain the art work. (Ord. 2642 § 1 (part), 2006)

15.07.060 Processing.

The requirements and procedures for the processing of an art in public places application shall be as follows:

A. Upon submission of a project application subject to the requirements of this chapter, the Planning Division shall provide the project applicant with a copy of the ordinance as codified in this chapter of the El Monte Municipal Code and an art in public places application form.

B. The project applicant shall submit to the Planning Division a completed art in public places application form in a timely manner as set forth under the city guidelines.

C. The Planning Division shall, upon receipt of the application, submit the application to the Art Coordinator. The Art Coordinator shall review each project applicant's initial art work proposal; work with each project applicant to modify and/or refine each art work proposal to ensure its conformity with the city guidelines and to maximize its aesthetic compatibility with its anticipated surroundings; and make recommendations on each art work application based on his or her determinations. The Art Coordinator, in consultation with Community Development staff, shall also ascertain the required value of the art work and the required amount of in-lieu fees in the event the project applicant elects to pay such fees as an alternative to the installation of art work.

D. Within sixty (60) days from the date the application is submitted to the Art Coordinator, the Art Coordinator shall submit to the Advisory Committee a written proposal based on the Art Coordinator's investigation and determinations and his or her consultations with the project applicant.

E. Within thirty (30) days from the date upon which the Advisory Committee receives a recommended proposal from the Art Coordinator, the Advisory Committee shall review and comment upon the recommendation and in its sole and absolute discretion, formulate and make a recommendation of its own to the City Council. The Advisory Committee's failure to make a recommendation to the City Council within the time allotted shall result in the Art

Coordinator's recommendation becoming the recommendation of the Advisory Committee.

F. The City Council shall either approve the art work proposal as recommended by the Advisory Committee; approve the art work proposal subject to additional modifications and/or conditions acceptable to the project applicant; or deny the art work proposal. All City Council approvals shall be final.

If the City Council denies an initial art work proposal, the project applicant, within thirty (30) days of the denial, shall submit a written notice to the City Clerk indicating that the project applicant has elected: (1) to have the art work proposal reconsidered at the Advisory Committee level so that the Advisory Committee in consultation with the Art Coordinator and the project applicant may develop and submit a revised and reformulated proposal for City Council approval within thirty (30) days from the filing date of the project applicant's written request; or (2) to contribute appropriate funds into the art in public places fund in lieu of installing art work. Subject to the restrictions of subsection G of this section, a project applicant may make successive written requests to have a denied proposal reconsidered at the Advisory Committee level until a proposal acceptable to the City Council is developed. All written requests to have a revised proposal reconsidered at the Advisory Committee level shall be made within thirty (30) days from the date of a denial.

The City Council reserves the right to approve a revised and reformulated art work proposal as proposed; approve a revised and reformulated art work proposal subject to additional modifications and/or conditions acceptable to the project applicant; or deny such revised and reformulated proposals. Subject to the restrictions of subsection G of this section, denials of initial art work proposals or revised and reformulated art work proposals shall be final if the project applicant subsequently elects to contribute to the art in public places fund in lieu of installing art work; or upon the project applicant's failure to timely request that a denied proposal be reconsidered at the Advisory Committee level.

G. When the project applicant has elected to acquire and install an art work, no building permit may be issued until the City Council has approved an art work proposal, and no certificate of occupancy shall be issued until the approved art work has been installed.

H. In the event the City Council has approved an art work proposal but the art work itself cannot be completed before the completion of the overall private project, the project applicant may request that a certificate of occupancy be issued absent installation of the art work, provided the project application first submits to the El Monte

Community Development Department a cashier's check in an amount equivalent to the required value of the art work. The Community Development Department shall hold the funds in trust until the art work is completed, permanently installed and inspected for compliance with this chapter. As an additional condition to the issuance of a certificate of occupancy pursuant to this subsection, the project applicant shall be required to execute a three (3) party written agreement between the project applicant, the proposed artist and the city of El Monte regarding the artist's payment plan, using the funds held in trust by the Community Development Department. The agreement shall provide that the city will be authorized to determine the final location of the art work, should there be any complications over the arrangement. Should the art work not be installed after six (6) months from the issuance of a certificate of occupancy, the city shall control the decisionmaking regarding the funds in trust and completion of the public art work. Any project applicant who is issued a certificate of occupancy pursuant to this subsection, must install the approved art work no later than six (6) months from the date the certificate of occupancy is issued. Nothing in this subsection shall preclude the city from denying a certificate of occupancy pursuant to provisions of the El Monte Municipal Code and/or state law unrelated to the subject matter of this chapter.

I. If the project applicant has elected to make an in-lieu contribution to the art in public places fund, no building permits shall be issued until such contribution has been paid. (Ord. 2642 § 1 (part), 2006)

15.07.070 Art in Public Places Advisory Committee.

A. The Art in Public Places Advisory Committee (the "Advisory Committee") is a review panel charged with reviewing art in public places applications; evaluating the art work recommendations of the Art Coordinator with the aim of insuring that all art work criteria established pursuant to this chapter, including the city guidelines, are met; and making recommendations to the City Council as to each art in public places application. The Advisory Committee shall review the applications and examine the proposals for public safety, weather resistancy, balance within the program, verification of value, public response, proper lighting, public accessibility, installation methods, proportion, composition, the artist's previous experience on monumental scale sculpture, the artist's art training and exhibition record, and the art works aesthetic compatibility with its anticipated surrounds. The Committee, shall consist of:

1. One representative member of the El Monte Planning Commission;
2. One representative member of the El Monte Beautification Commission;
3. One representative member of the El Monte Community Services Commission;
4. One representative member of the El Monte Veterans and Homeless Affairs Commission;
5. One representative member of the El Monte Patriotic Commission; and
6. Two (2) El Monte residents appointed by the City Council who shall serve as representatives of the public.

B. The five (5) commission representatives to the Advisory Committee shall be selected as follows: Subject to final approval by the City Council, each City Council member shall be allowed to nominate one person from any of the five (5) commissions. The two (2) persons representing the public shall be selected by majority vote of the City Council.

C. The El Monte Community Development Department and the Art Coordinator shall be responsible for providing administrative, investigative and advisory support to the Advisory Committee. The presence of at least four (4) Advisory Committee members at any regular, adjourned or special meeting of the Advisory Committee shall constitute the minimum quorum necessary to conduct business and take action. (Ord. 2642 § 1 (part), 2006)

15.07.080 Art in public places fund.

A. Accounting. Any moneys collected in accordance with the in-lieu contributions provisions of this chapter shall be deposited in a separate account denominated as

the "Art in Public Places Fund." The El Monte Community Development Department in cooperation with the El Monte Finance Division shall establish accounting records sufficient to identify and control these funds. The account containing these funds shall earn interest and the earned interest shall be used for and be subject to the same restrictions established in subsection B of this section.

B. Use of Fund. The art in public places fund shall be used to provide sites for, and works of art in, public places in order to further the intent and purpose of this chapter as set forth in Section 15.07.010 of this chapter.

C. Permissible Expenditures. Expenditures of funds shall be limited to the following uses:

1. The cost of art work and its installation;
2. Waterworks, landscaping, lighting and other objects which are an integral part of the art work;
3. Frames, mats, pedestals, and other objects necessary for the proper presentation of the art work;
4. Walls, pools, landscaping or other architectural or landscape architectural elements necessary for the proper aesthetic and structural placement of the art work;
5. Maintenance and repair of art works funded through the art in public places fund.

D. Administration.

1. The art in public places fund shall be administered jointly by the El Monte Community Development Department and the El Monte Finance Division.

2. The El Monte Community Services Commission acting jointly with the El Monte Beautification Commission shall make recommendations to the City Council concerning the purchase or commissioning of art works with art in public places funds, including:

- a. Places which should be considered for art work;
- b. The medium of the proposed art work; and
- c. The artist whose work should be considered for placement in the recommended location.

3. Selection of artists and art works shall be based on the guidelines to be established pursuant to Section 15.07.050 of this chapter.

4. The city will contract with the artist and with consultants as necessary for the purchase or commissioning as well as the execution and installation of the art work.

5. On-site activity in connection with the art work installation shall be coordinated by the Deputy City Manager for Community Development or his or her designee under the supervision of the City Manager and the Assistant City Manager.

6. Maintenance and repair of art work funded through the art in public places fund shall be financed from that account.

7. So far as is practical, in the event repair of the art work is required, the city shall first give the artist the opportunity to do that work for a reasonable fee. In the event the artist is unable or refuses to make the repair for such a fee, the city may proceed to contract for such repair with another qualified artist.

E. Endorsements. The art in public places fund shall also be used as a depository for endowments, bequests, grants or donations. Such sums may be expended as set forth in subsection C of this section as approved by the City Council. (Ord. 2642 § 1 (part), 2006)

Chapter 15.08

PUBLIC FACILITIES IMPACT FEES

Sections:

- | | |
|------------------|--------------------------------------|
| 15.08.010 | Fee authorization. |
| 15.08.020 | Management of fees collected. |

15.08.010 Fee authorization.

A. Except as otherwise provided under this chapter, the approval by the city of a "development project," as said term is defined under Section 66000(a) of the California Government Code, shall be subject to the imposition of one or more of the fees, as applicable under subsection C, below, as a condition of approval of such development project by the city. For purposes of this chapter, the term "development project" also means:

1. Any substantial improvement, alteration, renovation and/or expansion of any existing structure or improvement in the event that such improvement or expansion adds more than fifty (50) percent of structural area to an existing single or multifamily residential unit or adds more than one hundred (100) square feet of area to any other type of existing building use; or

2. Any improvement, alteration and/or renovation of an existing structure or improvement which results in a net increase in the number of units within the structure or improvement; or which results in a substantial intensification of the use of the structure or improvement.

B. The specific amount of each variety of public facilities impact fees authorized under this chapter shall be established and from time to time adjusted by resolution of the El Monte City Council in accordance with applicable law. Fee amounts established by resolution may be automatically adjusted each year by an amount not exceeding seventy-five (75) percent of the annual percentage change in the consumer price index for the Los Angeles-Long Beach statistical area. The foregoing notwithstanding, fees established by resolution may not be automatically adjusted for a period exceeding five (5) consecutive years from the effective date of the resolution establishing such fees. Prior to the conclusion of such five (5) year period, the city shall be required to commission, consider and approve an updated fee study and adopt fees in accordance with the findings of the updated study.

C. The public facilities impact fees authorized under this chapter include for the enhancement, expansion and/or improvement of:

1. Sewer facilities;
2. Storm drain facilities;
3. Traffic signals;

4. Street and transportation facilities.

D. Fees established pursuant to this chapter are in addition to, and not in substitution of, any other required fees and/or charges relative to development of a subject property and shall be for the purpose of enhancing, expanding and/or improving those public facilities set forth under subsection C, above, so as to mitigate impacts upon the level and/or quality of service by new development within the city.

E. No building permit shall be issued for any development project unless and until any and all fees authorized under this chapter and required by resolution have been paid in full to the city. (Ord. 2712 § 2 (part), 2007)

15.08.020 Management of fees collected.

A. Upon receipt of any public facilities impact fees, the city shall deposit, invest, account for and expend said fees in accordance with Government Code Section 66006. The Deputy City Manager for Administrative Services is authorized and directed to establish such accounts as may be necessary or appropriate to comply with applicable law concerning the fees as collected under this chapter.

B. The Deputy City Manager for Community Development in consultation with the City Engineer and the Deputy City Manager for Administrative Services shall prepare each year a report which identifies the sums on deposit in the funds established by this section and identifies the purpose for which the balance of each such fund is proposed to be used and verify that a reasonable relationship continues to exist between the amount of the funds as accumulated and the purpose for which they are charged. The first such report shall be due September 1, 2008 and no later than September 1st of each calendar year, thereafter. (Ord. 2712 § 2 (part), 2007)

Chapter 15.10

MISCELLANEOUS DELETIONS

Sections:

15.10.010 **Prior code Section 8104—Deleted.**

15.10.010 **Prior code Section 8104—Deleted.**

Section 8104 of the El Monte Municipal Code is deleted. (Ord. 2653 § 1 (part), 2005)

Chapter 15.12

DELETIONS

Sections:

5.12.010 **Prior code section 8105—Deleted.**

5.12.010 **Prior code section 8105—Deleted.**

Section 8105 of the El Monte Municipal Code is deleted. (Ord. 2653 § 1 (part), 2005)

Chapter 15.14**STATE ENERGY CALCULATION REVIEW FEE****Sections:**

15.14.010 State energy calculation review fee.

15.14.010 State energy calculation review fee.

For each state energy calculation submitted for review in conjunction with an application for a building permit, the Building Official shall charge and collect a state energy calculation review fee equal to five (5) percent of the applicable building permit fee. (Ord. 2653 § 1 (part), 2005)

Chapter 15.22**BUILDING REGULATIONS—HOUSING
NUMBERING****Sections:**

- 15.22.010 Entrances—Numbered.**
- 15.22.020 Place of numbering.**
- 15.22.030 Notice of designated number.**
- 15.22.040 Method of numbering.**
- 15.22.050 Block defined.**
- 15.22.060 Allotment of block numbers.**

15.22.010 Entrances—Numbered.

All entrances from the public streets to buildings shall be numbered as hereinafter in this chapter provided. (Ord. 2653 § 1 (part), 2005)

15.22.020 Place of numbering.

The number of each and every entrance shall be placed upon or immediately above the door or gate closing such entrance, except as otherwise provided for in this chapter. In all cases where the building is located on the back of the property line of the street on which the same fronts, the numbers may be placed either at the side of the main entrance of the building, over the main entrance, upon the porch, or such numbers may be placed over or at the side of the gateway of the property, or upon any steps or other structure near the back of the property line thereof, in such a manner that the same may be plainly seen from the street in front of such property. Whenever houses are located at the back of the property line, the numbers shall be placed and maintained in such a manner that the same will not be hidden from view from the street by any trees, bushes, shrubs or other obstructions. Each figure of all numbers shall be at least two (2) inches in height and of corresponding width. (Ord. 2653 § 1 (part), 2005)

15.22.030 Notice of designated number.

The number designated for any entrance to any building shall be placed thereon within five (5) days after the receipt by the owner, occupant or lessee of such building of a notice from the city Building Official of such number; and all numbers other than such number shall be removed from every building by the owner, occupant or lessee thereof within five (5) days after receipt of such notice. The city Building Official shall designate the respective numbers for buildings fronting on streets theretofore laid out or hereafter to be laid out or extended. (Ord. 2653 § 1 (part), 2005)

15.22.040 Method of numbering.

Twenty-five (25) feet frontage shall be allowed for each number, to be calculated from the end of the block at which the number begins, except in the case of lots fronting on Valley Boulevard between the westerly boundary line of the city and the westerly line of the Pacific Electric Railway Company's right-of-way, the city Building Official may allow a less amount of frontage so as to provide each separate place of business with a separate number as far as practicable. The city Building Official shall, so far as practicable, assign the numbers on either side of the streets in such a way that the consecutive even and uneven numbers shall be opposite each other and the city Building Official shall, on application, furnish information as to the numbers controlled by each lot. (Ord. 2653 § 1 (part), 2005)

15.22.050 Block defined.

A block within the meaning of this chapter shall be that portion of any street between two (2) cross streets or between a cross street and an abutting street or between two (2) abutting streets. In case of abutting streets, the prolonged centerline of the abutting streets shall be the dividing line of the blocks, and provided that all blocks exceeding five hundred (500) feet in length shall be considered as two (2) blocks. (Ord. 2653 § 1 (part), 2005)

15.22.060 Allotment of block numbers.

One hundred (100) numbers or as many thereof, as may be necessary, shall be allotted to each block. Number 100 shall be the first number used at the respective beginning points on the sides of the streets which are to contain the even numbers and 101 for the sides which are to contain the odd numbers. At the beginning of the second block from the starting point, the first numbers shall be 200 and 201 respectively and so continue throughout the system. (Ord. 2653 § 1 (part), 2005)

Chapter 15.24**BUILDING REGULATIONS—MOVING,
RELOCATION AND DEMOLITION OF
BUILDINGS, PART 1—DEFINITIONS****Sections:**

15.24.000	Definitions—Generally.
15.24.010	Building.
15.24.020	Person.
15.24.030	Structure.

15.24.000 Definitions—Generally.

For the purposes of this chapter, certain terms, phrases and words shall be construed as found in this chapter. (Ord. 2653 § 1 (part), 2005)

15.24.010 Building.

“Building” means any structure built for the support, shelter, or enclosure of persons, animals, chattels or property of any kind. (Ord. 2653 § 1 (part), 2005)

15.24.020 Person.

“Person” means a natural person, his or her heirs, executors, administrators or assigns, and also includes a firm, partnership, or corporation, its or their successors or assigns, or the agent of any of the aforesaid. (Ord. 2653 § 1 (part), 2005)

15.24.030 Structure.

“Structure” means that which is built or constructed, an edifice or building of any kind, or any piece of work artificially built up or composed of parts joined together in some definite manner, except temporary structures of not to exceed ninety (90) days duration used in connection with construction. (Ord. 2653 § 1 (part), 2005)

Chapter 15.26**BUILDING REGULATIONS—MOVING,
RELOCATION AND DEMOLITION OF
BUILDINGS, PART 2—DESIGN APPROVAL****Sections:**

15.26.010	Prerequisite of approval.
15.26.020	Design standards.
15.26.030	Information required.
15.26.040	Notice.
15.26.050	Approval with or without hearing.
15.26.060	Negotiations.
15.26.070	Appeal.
15.26.080	Approval conditions.
15.26.090	Location and setback.

15.26.010 Prerequisite of approval.

No person shall apply for or be granted a permit pursuant to Chapter 15.28 of this title unless the relocation of the building or structure has been first approved in accordance with the provisions of this chapter, and unless such building or structure was designed and is intended for a use or purpose in conformity with the general plan for the property upon which such building or structure is proposed to be relocated. (Ord. 2653 § 1 (part), 2005)

15.26.020 Design standards.

In order that buildings or structures proposed to be relocated, and any signs proposed to be erected, the landscaping to be installed at the new location, the parking areas and the general appearance of the completed site will be in harmony with other structures and improvements in the area, and not of obnoxious, undesirable or unsightly appearance, plans of the exterior architectural design and appearance of all buildings and structures, plot plans, landscape plans, advertising sign plans, parking area plans and building setback plans shall be subject to the approval of the Planning Commission. In reviewing the same, the items specified in the following subsections shall be considered:

- A. The height, bulk and area of buildings;
- B. The setback distances from all property lines;
- C. The colors and materials on the exterior;
- D. The type and pitch of roofs;
- E. The size and spacing of windows, doors and other openings;
- F. The size, type and location of signs;
- G. Towers, chimneys, roof structures, flagpoles, radio and television masts;

H. Plot plan, landscaping and automobile parking areas;

I. The relation to the existing buildings and structures in the general vicinity and area. (Ord. 2653 § 1 (part), 2005)

15.26.030 Information required.

Any person seeking approval of a building or structure proposed to be relocated within the city shall submit to the Secretary of the Planning Commission the following:

A. All plans referred to in Section 15.26.020 of this chapter;

B. The location and address of the property on which the building or structure to be moved is presently situated;

C. The location and legal description and the name, address and telephone number of the owner of the land to which the building or structure is to be moved;

D. Ten (10) copies of a plot plan of the property on which the building or structure is to be moved or located showing all existing structures and the proposed location of the building or structure to be moved;

E. The name, address and the telephone number of the owner of the building or structure proposed to be moved;

F. The use to be made of the building or structure if it is moved;

G. At least four (4) current color photographs of the building or structure, a minimum of one showing each side. The minimum size of the photographs shall be three (3) inches by four (4) inches and they shall be of quality satisfactory to the Planning Department;

H. Elevations showing the finished appearance of the front, sides and rear of the building or structure, as proposed after relocation, shall be furnished unless the structure is to remain in the same condition, as shown in the photographs required by the subsection G of this section;

I. Two (2) sets of gummed labels containing the names and addresses, as shown on the last equalized assessment roll, of the owners of property situated within three hundred (300) feet of the external boundaries of the property upon which the building or structure is proposed to be relocated. Applicant shall be responsible for the accuracy and completeness of such names and addresses, and the person preparing the same shall declare under penalty of perjury that all the names and addresses are as shown on the last equalized assessment roll (unless otherwise specified) and that they constitute all the names and addresses of the owners of property to whom notice is required by law or by this code to be mailed in connection with the application.

J. A fee of one hundred dollars (\$100.00), for each structure or building for which approval is sought, and a fee of one hundred dollars (\$100.00) for each building site upon which any building is proposed to be relocated. (Ord. 2653 § 1 (part), 2005)

15.26.040 Notice.

Upon receipt of the items specified in Section 15.26.030 of this chapter, the Secretary of the Planning Commission shall cause to be posted, in a conspicuous place on the property to which it is proposed to move such building or structure, a notice with the heading "NOTICE OF PROPOSED RELOCATION OF BUILDING" in letters not less than one inch in height, stating that application has been made for the relocation of a building or structure upon such property; that the details thereof are on file in the city Planning Department and are available for inspection by any interested person; and that any objection to the proposed relocation shall be set forth in writing and filed with the Secretary of the Planning Commission within ten (10) days after the date of the notice. The Planning Secretary shall also cause a copy of such notice to be mailed to the owners, as shown on the last equalized assessment roll, of all properties situated within three hundred (300) feet of the external boundaries of the property upon which a building or structure is proposed to be relocated, the notices to be mailed the same day that the notice is posted on the property. (Ord. 2653 § 1 (part), 2005)

15.26.050 Approval with or without hearing.

If no written objection to the proposed relocation of a building or structure is filed with the Secretary of the Planning Commission within the time specified in the notice given pursuant to Section 15.26.040 of this chapter, the Planning Commission or its designated representative may approve the proposed relocation if it meets the criteria hereinbefore in this chapter set forth. If written objection to the proposed relocation of a building or structure is filed with the Secretary of the Planning Commission within the time specified in the notice given pursuant to Section 15.26.040 of this chapter, the relocation shall not be approved, except by the Planning Commission after and in accordance with the evidence received at a public hearing held by and before the city Planning Commission after notice of the date, time, place and purpose of such hearing given by mail to the owners, as shown on the last equalized assessment roll of all properties located within three hundred (300) feet of the external boundaries of the property upon which the building or structure is proposed to be relocated and to all persons that have filed an objection to

the proposed relocation within the time specified in Section 15.26.040 of this chapter. (Ord. 2653 § 1 (part), 2005)

15.26.060 Negotiations.

In the event it is determined, by either the Planning Commission or by its designated representative, that the general appearance of the completed site, as proposed, or the buildings or structures proposed to be relocated are inharmonious with other structures and improvements in the area, or are of obnoxious, undesirable or unsightly appearance, the Planning Commission or its designated representative, respectively, shall confer with the applicant in an endeavor to have the plans changed so that the structures will be harmonious and attractive in appearance. (Ord. 2653 § 1 (part), 2005)

15.26.070 Appeal.

The applicant or any interested person dissatisfied with the action of the Planning Commission or its designated representative may, within ten (10) days after such action, appeal in writing to the City Council. The procedure for such appeal shall be the same as the procedure for an appeal for a variance. Upon approval by the City Council, the building permit shall be issued if all other requirements of law and of this code have been complied with. (Ord. 2653 § 1 (part), 2005)

15.26.080 Approval conditions.

No application made pursuant to this chapter may be approved, except in accordance with the criteria hereinbefore in this chapter set forth. In granting any such approval, the city may impose and enforce such terms and conditions as the city deems necessary to accomplish the purposes of this chapter. (Ord. 2653 § 1 (part), 2005)

15.26.090 Location and setback.

Every structure relocated shall either face the principal street abutting the property upon which it is to be relocated, or shall be set back a minimum of twenty-five (25) feet from the main street abutting such property. (Ord. 2653 § 1 (part), 2005)

Chapter 15.28**BUILDING REGULATIONS—MOVING,
RELOCATION AND DEMOLITION OF
BUILDINGS, PART 3—RELOCATION PERMIT****Sections:**

15.28.010	Relocation permit.
15.28.020	Application.
15.28.030	Application, information.
15.28.040	Building permit fees.
15.28.050	Completion bond.
15.28.060	Street improvements.
15.28.070	Investigation.
15.28.080	Zoning compliance.
15.28.090	Completion time.
15.28.100	Final inspection.
15.28.110	Performance by city.
15.28.120	Use or refund of cash bond.
15.28.130	Appeals and modifications.

15.28.010 Relocation permit.

No person shall move any building or structure into the city or from one location to another in the city without first obtaining a relocation permit from the Building Department for each such building or structure being moved. (Ord. 2653 § 1 (part), 2005)

15.28.020 Application.

Every person intending to move a building or structure into the city or from one location to another in the city of El Monte, shall have first complied with and obtained approval pursuant to the provisions of Chapter 15.26 of this title, and every application for a permit required by this chapter shall be filed with the city within six (6) months after such approval. (Ord. 2653 § 1 (part), 2005)

15.28.030 Application, information.

The following information shall be provided:

A. The name, address and telephone number of the person or contractor who will install the foundations and do any other necessary work that may be required at the new site;

B. Two (2) copies of a plot plan of the property onto which the building or structure is to be moved or relocated showing all existing and proposed structures and other pertinent improvements. Such plot plan shall conform to approval obtained pursuant to the provisions of Chapter 15.26 of this title;

C. Jurisdiction under which the building or structure was inspected when built and the year in which such construction was completed;

D. If the building or structure was not originally constructed under permit issued by and inspection performed by the city, the applicant shall cause either of the two (2) following listed provisions to be complied with:

1. Provide with the application two (2) copies of the original construction plans of the building or structure,

2. Expose electrical wiring, plumbing and structural beams in the building or structure prior to inspection by the Building Department to the extent necessary to enable the Inspector to adequately determine compliance with the applicable codes and provide two (2) copies of a floor plan showing the arrangement and size of each room and the size and type of each window and door therein;

E. Two (2) copies of the foundation plan to be provided at the proposed site;

F. Two (2) copies of structural details of any additions or alterations to be made to the building or structure;

G. Provide a certificate from a state-licensed pest control company stating that the building or structure has termite clearance. (Ord. 2653 § 1 (part), 2005)

15.28.040 Building permit fees.

The applicant shall also apply for and pay the fees prescribed in the applicable sections of the building regulations for building, electrical, and plumbing permits necessary to complete the relocation of the building or structure. For the purpose of computing such fees, valuation shall include the reasonable cost of moving such structure and the reasonable value of all new construction, alterations, additions, repairs, replacements and foundations in connection therewith. (Ord. 2653 § 1 (part), 2005)

15.28.050 Completion bond.

Applicant shall deposit with the city a cash bond or certificate of deposit payable to the city on demand in an amount equal to three dollars (\$3.00) for each square foot of floor area contained within the building. In no event shall the sum thus deposited be less than one thousand dollars (\$1,000.00). The purpose of such bond is to guarantee the compliance by applicant with the provisions of this section and the completion of the relocation of the building in accordance with the provisions of and within the time specified by this chapter and shall be used or refunded, as provided in Section 15.28.120 of this chapter. (Ord. 2653 § 1 (part), 2005)

15.28.060 Street improvements.

Applicant shall, if they are not presently existing, construct or guarantee the construction of concrete curbs and gutters, concrete driveway approaches and, in Zones R-1a, R-1b, R-1c, R-2, R-3, R-4 and all commercial zones, concrete sidewalks along all street frontages of the lot on which the building or structure is to be moved or relocated. The installation of these improvements may be guaranteed by a cash deposit in accordance with Section 12.08.090 of this code. (Ord. 2653 § 1 (part), 2005)

15.28.070 Investigation.

Upon receipt of an application for a permit to move a building or structure, the Building Official shall make all necessary inspections to determine whether such building or structure may be moved safely without demolishing or destroying the same and shall determine whether or not the proposed location of any building or structure sought to be moved into or from one location to another in the city meets the requirements of the city building regulations and any other laws or ordinances appurtenant thereto. Where investigations are required to be made by the Building Official beyond the limits of the city, the applicant shall pay for each inspection or reinspection a sum equal to one dollar (\$1.00) per mile for the full mileage one way, from the El Monte City Hall to the site where the inspection is to be made; this charge shall be in addition to other fees required to be paid for permits under the provisions of this chapter. (Ord. 2653 § 1 (part), 2005)

15.28.080 Zoning compliance.

Every building or structure moved into or relocated in the city shall comply with all the provisions of Title 16 of this code applicable to the new location, except as may otherwise be permitted pursuant to such title. (Ord. 2653 § 1 (part), 2005)

15.28.090 Completion time.

The building or structure shall be completely set down and placed upon its new foundation within thirty (30) days from its date of arrival at the new location. All required alterations and repairs shall be completed within sixty (60) days after the arrival of the structure at the new location, and in any event within one hundred (100) calendar days from the date of the issuance of the relocation permit. An extension of time may be granted by the Building Official, upon written application, when such extension is required because of circumstances beyond the control of the applicant. If any such application for extension of time is denied by the Building Official, the applicant may appeal such decision to the City Council. Any such appeal shall be in writing, shall be filed with the City Clerk within ten (10) days after the date of such decision, and shall be ac-

companied by an appeal fee of five dollars (\$5.00). The City Council shall consider and pass upon any such appeal without unreasonable delay, and may grant or deny the requested extension or grant an extension for a period of time less than that requested. In granting any such extension of time, the City Council may impose such additional conditions as it deems necessary or reasonable under the circumstances. (Ord. 2653 § 1 (part), 2005)

15.28.100 Final inspection.

Upon completion of the relocation of a building in the city, the person owning same shall request an inspection from the Building Official. The Building Official shall thereupon cause an inspection of the building to be made, and if he or she finds that all the provisions of this chapter have been complied with he or she shall issue a certificate of occupancy. (Ord. 2653 § 1 (part), 2005)

15.28.110 Performance by city.

In the event that the applicant fails to complete such work within the time specified, or as extended, as provided in Section 15.28.090 of this chapter, the city shall proceed by such method as it deems convenient to cause the required work to be performed and completed. The balance, if any, of the cash bond deposited shall, upon completion of the work, be returned to the depositor in accordance with Section 15.28.120 of this chapter. (Ord. 2653 § 1 (part), 2005)

15.28.120 Use or refund of cash bond.

Upon completion of the relocation work, as specified in Section 15.28.100 of this chapter, the Building Official shall write a memorandum to the Administrative Officer requesting that the cash bond deposited pursuant to Section 15.28.030 of this chapter, be returned to the depositor thereof after first deducting therefrom all unpaid fees that may be due to the city under the provisions of this chapter, the cost as determined by the Director of Public Services, of repairing or replacing any public property damaged by the relocation of the building, and the sum of fifty dollars (\$50.00) per day for each day or fraction thereof beyond the time limit specified in Section 15.28.090 of this chapter. (Ord. 2653 § 1 (part), 2005)

15.28.130 Appeals and modifications.

The provisions of Section 105.1 of the Uniform Building Code and of Section 110.1 of the Uniform Mechanical Code, as amended by Section 15.04.020 of the El Monte Municipal Code, and of Section 104.2.7 of the Uniform Building Code, as added by Section 15.04.030 of the El Monte Municipal Code, shall apply to this chapter. (Ord. 2653 § 1 (part), 2005)

Chapter 15.30

BUILDING REGULATIONS—MOVING, RELOCATION AND DEMOLITION OF BUILDINGS, PART 4—MOVING OF BUILDINGS

Sections:

15.30.010	Moving of structures—Regulations.
15.30.020	Application.
15.30.030	Contractor.
15.30.040	Small buildings.
15.30.050	Contents.
15.30.060	Documents, deposits and fees.
15.30.070	Insurance.
15.30.080	Permit fee.
15.30.090	Performance bond.
15.30.100	Site clearance deposit.
15.30.110	Route approval.
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15.30.140	Regulations.
15.30.140.1	Responsibility for damage.
15.30.140.2	Equipment.
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15.30.140.5	Parking.
15.30.140.6	Height.
15.30.140.7	Removal from lot.
15.30.140.8	Site clearance.
15.30.140.9	Use or refund of security.
15.30.140.10	County permit.

15.30.010 Moving of structures—Regulations.

Every person moving a building or structure within, into or from the city shall comply with the regulations specified in the following sections. (Ord. 2653 § 1 (part), 2005)

15.30.020 Application.

Every person desiring to move a building on public right-of-way in the city shall file an application for a housemoving permit on a form provided by the Building Department. (Ord. 2653 § 1 (part), 2005)

15.30.030 Contractor.

No person, except a house mover licensed as such by the state of California, shall move any building or structure on any portion of public right-of-way. (Ord. 2653 § 1 (part), 2005)

15.30.040 Small buildings.

Buildings or structures under thirteen (13) feet six (6) inches in height from the street level, less than one hundred (100) square feet in floor area and having no horizontal dimensions exceeding eighteen (18) feet, and if entirely supported upon a single vehicle without the assistance of any additional wheels or rollers, may be moved by any person and no housemoving permit shall be required. (Ord. 2653 § 1 (part), 2005)

15.30.050 Contents.

Each application for a permit to move a building or structure from or through the city shall contain the following:

A. The name, address and telephone number and state contractor's license number of the contractor who will move the building;

B. The address, and if in the city, the legal description of the property, from which the building is being removed and the address to which it is being moved;

C. The maximum height above street level that any portion of the building will be while being moved;

D. The route proposed to be used for the moving of such building, the date and hour of the proposed move and such other information, as may be required by the Building Official;

E. Each such application shall be signed by the applicant or his or her authorized agent. If signed by an agent, the agent may be required to submit evidence of his or her authority to sign the application. (Ord. 2653 § 1 (part), 2005)

15.30.060 Documents, deposits and fees.

Before issuance of a permit for the moving of any building into, within, or through the city, the applicant shall deposit with the city the sums and documents prescribed in the following subsections. (Ord. 2653 § 1 (part), 2005)

15.30.070 Insurance.

Insurance shall be provided which names the city as an additional insured in accordance with Section 3.24.030 of this code. (Ord. 2653 § 1 (part), 2005)

15.30.080 Permit fee.

A housemoving permit fee in the amount of one hundred dollars (\$100.00) covers the route inspection and necessary supervision during the actual move. (Ord. 2653 § 1 (part), 2005)

15.30.090 Performance bond.

A cash bond in an amount equal to two hundred dollars (\$200.00) shall be deposited by the house mover to secure the city against damage to public property and to assure compliance with regulations controlling the moving of buildings on public streets in the city. (Ord. 2653 § 1 (part), 2005)

15.30.100 Site clearance deposit.

Whenever a building is being removed from the city or being moved from one location to another within the city, an improvement security in an amount equal to twenty-five cents (\$0.25) for each square foot of ground floor area contained in the building to be moved, but in no event less than five hundred dollars (\$500.00) shall be deposited by the owner of the property from which the structure is to be removed to guarantee final site clearance, as required by Section 15.30.140.8 of this chapter, together with written authorization from the owner of the property for the city or its agents to enter upon the land described in the application and to complete the site clearance as required by Section 15.30.140.8 of this chapter, if not completed within the time specified by such section. (Ord. 2653 § 1 (part), 2005)

15.30.110 Route approval.

No housemoving permit shall be issued by the Building Department, except for a route, time and date first approved by the Director of Public Services. After issuance of the housemoving permit and in the event of any emergency requiring the use of city streets for any purpose with which the moving of a building would interfere, the Director of Public Services or the Chief of Police shall have the authority to require a change of the route to avoid such interference. (Ord. 2653 § 1 (part), 2005)

15.30.120 Utility clearance.

No route shall be approved by the Director of Public Services unless the applicant furnishes to him or her a certificate from each public utility company maintaining or operating facilities above ground along such route that its facilities will not be required to be relocated or interrupted by the moving of the building along such route or that arrangements have been made by the applicant for the removal, relocation or restoration of such utility company's facilities with which the moving of the building along such route will interfere. (Ord. 2653 § 1 (part), 2005)

15.30.130 Disconnection of utilities.

No final approval and issuance of the housemoving permit shall be made until all utility services have been

shut off and disconnected from the building to be moved. Notification of such shutoff and disconnection shall be furnished to the Building Department by each of the utility companies concerned. (Ord. 2653 § 1 (part), 2005)

15.30.140 Regulations.

Every person moving a building from or through the city shall comply with the regulations specified in the following subsections. (Ord. 2653 § 1 (part), 2005)

15.30.140.1 Responsibility for damage.

Every person moving a building into, from or through the city shall make good all damages or injuries caused by the moving thereof. (Ord. 2653 § 1 (part), 2005)

15.30.140.2 Equipment.

The wheels and rollers of all equipment used in moving of buildings shall have sufficient tire or bearing width to prevent grooving, marring or damaging of any street, alley, or public property upon which the same may be used. (Ord. 2653 § 1 (part), 2005)

15.30.140.3 Posting permit.

A copy of the permit issued pursuant to this chapter shall be posted at a conspicuous location on the building being moved. (Ord. 2653 § 1 (part), 2005)

15.30.140.4 Lighting.

Every building, while being moved upon any street, alley, or public property, shall, at all times between sunset and sunrise, be illuminated by adequate warning devices placed at each corner of the building and at the end of any projection thereof. (Ord. 2653 § 1 (part), 2005)

15.30.140.5 Parking.

No person shall place or park any building upon any public street, alley or property without the prior written approval of the Chief of Police and of the designated fire official of the Los Angeles County Fire Department. (Ord. 2653 § 1 (part), 2005)

15.30.140.6 Height.

If the highest point of the building, when loaded and ready for moving, is more than sixteen (16) feet above the ground surface, the cost of rearranging, protecting and restoring the equipment of any public utility affected shall be borne by the permittee. (Ord. 2653 § 1 (part), 2005)

15.30.140.7 Removal from lot.

Within seventy-two (72) hours after elevation of a structure from its foundation, such structure shall be re-

moved from the lot. An extension of time may be granted by the Building Official, upon application, when such extension is required because of circumstances beyond the control of the applicant. A fee of five dollars (\$5.00) shall accompany each application for an extension of time. The denial of a requested extension may be appealed upon the same terms, as specified in Section 15.28.090 of this title. (Ord. 2653 § 1 (part), 2005)

15.30.140.8 Site clearance.

The site in the city from which a building is removed shall be cleared of all foundations, driveways and walkways and all portions thereof, shall have all loose combustible materials and debris removed therefrom, and all excavations shall be filled in with soil free of debris, all of which shall be accomplished within thirty (30) days from the time the building is removed. If before the expiration of such thirty (30) day period of time a valid building permit has been issued for construction upon the same property, the excavations shall not be required to be filled in unless in the opinion of the Building Official a hazardous condition is created by the failure to fill in such excavations. (Ord. 2653 § 1 (part), 2005)

15.30.140.9 Use or refund of security.

A. Upon completion of the housemoving, the Building Official shall write a memorandum to the Administrative Officer requesting that the cash bond deposited pursuant to Section 15.30.140.3 of this chapter be returned to the depositor thereof after first deducting therefrom the cost, as determined by the Director of Public Services of repairing or replacing any public property damaged by the moving of the building and the sum of ten dollars (\$10.00) per day for each day or fraction thereof beyond the limit of seventy-two (72) hours, or approved extension, as specified in Section 15.30.140.7 of this chapter.

B. Upon completion of the site clearance, as required in Section 15.30.140.8 of this chapter, the Building Official shall write a memorandum to the Administrative Officer requesting that the cash bond deposited pursuant to Section 15.30.100 of this chapter be returned to the depositor thereof after first deducting therefrom the cost of replacing any public property damaged by the clearing of the site, the sum of ten dollars (\$10.00) per day for each day beyond the time specified in Section 15.30.140.8 of this chapter that the site clearance was not completed, and the cost to the city for its expense in completing the site clearance if it becomes necessary, as provided for in Section 15.30.100 of this chapter.

C. If improvement security other than a cash bond be deposited with the city pursuant to this chapter, the same

shall not be released until all work required pursuant to this chapter has been completed and all sums due to the city pursuant to this chapter have been paid. (Ord. 2653 § 1 (part), 2005)

15.30.140.10 County permit.

With respect to any building or structure moved from a point outside of the city to a point outside of the city and through the city solely via Valley Boulevard; Garvey Avenue; Baldwin Avenue, north of Valley Boulevard; Lower Azusa Road, west of Santa Anita Avenue; Santa Anita Avenue, between Lower Azusa Road and Tyler Avenue; Tyler Avenue, north of Valley Boulevard; and Ramona Boulevard, east of Valley Boulevard, the provisions of this chapter shall be suspended and be inapplicable throughout the period of time that a valid permit issued by the county of Los Angeles for the moving of such structure is in effect and all terms and conditions imposed either by law or in the issuance of such permit, including, but not being limited to, the provisions of state or local law concerning the posting of bonds or the maintenance of public liability and property damage insurance, are complied with. (Ord. 2653 § 1 (part), 2005)

Chapter 15.32

BUILDING REGULATIONS—MOVING, RELOCATION AND DEMOLITION OF BUILDINGS, PART 5—DEMOLITION OF BUILDINGS

Sections:

15.32.010	Demolition of buildings— Regulations.
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15.32.060.4	Sewer facilities.
15.32.060.5	Completion time.
15.32.070	Refund or release of improvement security.
15.32.080	Adoption by reference of Standard Specifications for Public Works Construction, 2000 Edition.

15.32.010 Demolition of buildings— Regulations.

Every person salvaging or wrecking a structure shall comply with each of the regulations contained in the following sections. (Ord. 2653 § 1 (part), 2005)

15.32.020 Application.

Every person desiring to salvage or wreck a structure shall file an application for a demolition permit on a form provided by the Building Department. (Ord. 2653 § 1 (part), 2005)

15.32.030 Contractor.

No person, except a demolition contractor licensed as such by the state of California or a general contractor licensed as such by the state of California doing demolition work under a permit calling for demolition only in connection with remodeling or new construction upon the same premises, shall salvage or wreck any building or structure; provided, however, that the owner of a structure may sal-

vage or wreck his or her own structure, provided he or she also owns the property on which his or her structure stands. (Ord. 2653 § 1 (part), 2005)

15.32.035 Contents.

Each application for a demolition permit shall contain the following:

A. Name, address and telephone number of the owner of the building to be demolished and whether or not this person also owns the property on which this building stands;

B. The address, or legal description, of the property on which the building to be demolished stands;

C. The name, address, telephone number and state contractor's license number of the person that will demolish the building if such person is not the same as the person described in subsection A hereof;

D. A precise description of the portion of the building to be demolished. (Ord. 2653 § 1 (part), 2005)

15.32.040 Fees and deposits.

Prior to the issuance of the demolition permit, the applicant shall deposit with the city fees and deposits prescribed in the following subsections. (Ord. 2653 § 1 (part), 2005)

15.32.040.1 Demolition fee.

A demolition fee of eighty dollars (\$80.00) per lot; provided, however, that the total permit fee shall not exceed eighty dollars (\$80.00) for demolition on contiguous lots performed simultaneously pursuant to a permit or permits issued under a single application. (Ord. 2653 § 1 (part), 2005)

15.32.040.2 Insurance.

Insurance shall be provided, which names the city as an additional insured in accordance with Section 3.24.030 of this title. (Ord. 2653 § 1 (part), 2005)

15.32.040.2(a) Improvement security.

Improvement security of a type set forth in Section 66499 of the California Government Code in the amount of five hundred dollars (\$500.00), together with written authorization of the owner of the property for the city or its agents to enter upon the land described in the application and to complete the site clearance required by Section 8554.3 after expiration of the completion time specified pursuant to Section 8554.5. (Ord. 2653 § 1 (part), 2005)

15.32.050 Disconnection of utilities.

No demolition permit shall be issued until all utility services have been shut off and disconnected from the building to be demolished. Notification of such shutoff and disconnection shall be furnished to the Building Department by each of the utility companies concerned. (Ord. 2653 § 1 (part), 2005)

15.32.060 Regulations.

Every person demolishing a building shall comply with each of the regulations contained in the following subsections. (Ord. 2653 § 1 (part), 2005)

15.32.060.1 Posting.

The permit required by this chapter shall be conspicuously posted in the immediate vicinity of the building being demolished. (Ord. 2653 § 1 (part), 2005)

15.32.060.2 Responsibility.

The person demolishing a building shall be responsible for all damages or injuries caused by such demolition and shall cause all dry or dusty materials or debris to be wet down to lay the dust. (Ord. 2653 § 1 (part), 2005)

15.32.060.3 Site clearance.

All combustible materials or debris remaining at the site at the completion of work shall be removed, all cement, steel or other building material removed to a point even with the finished grade, and all excavations filled in to average grade with soil free of debris. (Ord. 2653 § 1 (part), 2005)

15.32.060.4 Sewer facilities.

The applicant shall provide the Building Official with a sketch showing the location and depth of the sanitary sewer lateral which was capped off during the demolition work. If the building was served by a cesspool, it shall be exposed and filled with sand as a part of the demolition work. (Ord. 2653 § 1 (part), 2005)

15.32.060.5 Completion time.

The demolition of any building shall be completed within forty-five (45) days after the issuance of the demolition permit. Demolition shall not be deemed completed until the provision of Sections 15.32.060.3 and 15.32.060.4 of this chapter have been complied with. If before the expiration of the forty-five (45) day period time a valid building permit has been issued for construction upon the same property, the excavations shall not be required to be filled in unless, in the opinion of the Building

Official, a hazardous condition is created by the failure to fill in such excavations. (Ord. 2653 § 1 (part), 2005)

15.32.070 Refund or release of improvement security.

Upon completion of the demolition work, as required in Section 15.32.060.5 of this chapter, the Building Official shall write a memorandum to the Administrative Officer requesting that the cash bond deposit pursuant to Section 15.32.040.2 of this chapter be returned to the depositor thereof after first deducting therefrom the cost, as determined by the Director of Public Services of repairing or replacing any public property damaged by the demolition of the building, the sum of ten dollars (\$10.00) per day for each day beyond the limit specified in Section 15.32.060.5 of this chapter for the completion of the demolition and the clearance of the site in accordance with the provisions of this chapter during which such demolition and site clearance remains uncompleted, and the cost to the city for its expense in completing the demolition work if it becomes necessary, as provided in Section 15.32.040 of this chapter. If improvement security other than a cash bond be deposited with the city pursuant to this chapter, the same shall not be released until due to the city pursuant to this chapter have been paid. (Ord. 2653 § 1 (part), 2005)

15.32.080 Adoption by reference of Standard Specifications for Public Works Construction, 2000 Edition.

The City Council has adopted by reference the primary code known as "Standard Specifications for Public Works Construction, 2000 Edition," in accordance with the provisions of Government Code Section 50022.2. The City Administrator is authorized and directed to include an appropriate reference to the Standard Specifications for Public Works Construction, 2000 Edition, in public works construction bid and contract documentation as may be necessary to comply with state or federal law or as may be consistent with prudent public works civil engineering standards. (Ord. 2653 § 1 (part), 2005)

Chapter 15.34**FIRE CODE*****Sections:**

- 15.34.010 Adoption of California Fire Code,
2007 Edition.**
- 15.34.020 Fees and service charges.**

* Prior ordinance history: Ord. 2670.

**15.34.010 Adoption of California Fire Code,
2007 Edition.**

A. The California Fire Code, 2007 Edition is adopted in its entirety and incorporated by reference into the El Monte Municipal Code, together with, and subject to, those amendments, additions, modifications and deletions delineated in this chapter, below. In so adopting and incorporating by reference the provisions of the California Fire Code, 2007 Edition, it is the intent of the city to adopt and incorporate by reference the 2006 International Fire Code of the International Code Council to the same extent it was adopted and incorporated by the state of California by way of the California Fire Code, 2007 Edition, all subject to additional city modifications detailed in this chapter, below. For the purposes of this Chapter 15.34, the California Fire Code, 2007 Edition as adopted herein may be referred to as the "El Monte Fire Code" or the "code."

B. The purpose of this code is to provide minimum standards to safeguard life or limb, health, property, and public welfare within the city of El Monte. (Ord. 2707 § 2 (part), 2007)

15.34.020 Fees and service charges.

The adopted provisions of the California Fire Code, 2007 Edition notwithstanding, permit and plan check fees and any other code-related fees or service charges shall be established by separate resolution of the El Monte City Council and may be amended, modified and/or updated from time to time by resolution. (Ord. 2707 § 2 (part), 2007)

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16 Subdivisions

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Title 16

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Division 1. General

Chapter 16.02

GENERAL PROVISIONS

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16.02.010	Citation and authority.
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16.02.040	Severability clause.
16.02.050	Compliance required.
16.02.060	Penalty for noncompliance.
16.02.070	Falsification.
16.02.080	Inconsistent provisions.

16.02.010 Citation and authority.

A. The City Council assumes control of all divisions of land and reversions to acreage, as such power is vested in the city by the provisions of Divisions 2 and 3 of Title 7 of the Government Code of the State of California and all amendments thereto (hereinafter referred to as "Subdivision Map Act" or "Map Act") or as otherwise established and set forth in this title.

B. This chapter is adopted to supplement and implement the Subdivision Map Act and may be cited as the "subdivision ordinance" of the city. (Ord. 2533 § 1 (part), 2001)

16.02.020 Scope.

The provisions of this title shall not apply to those items listed in Section 66412-66412.8 of the Map Act, except as specified herein for lot line adjustments. The following provisions shall not apply to any lot or lots forming a part of a subdivision legally created and recorded prior to the effective date of the ordinance codified in this title unless said lots are hereafter proposed for further subdivision or lot line adjustment. Nor is it intended by this title to repeal, abrogate, annul or in any way impair or interfere with existing provisions of other laws or ordinances, except those specifically repealed by this title, or in conflict herewith. Nor is it intended by this title to repeal, abrogate, annul or in any way impair or interfere with private restrictions placed upon property by deed, covenant or other private agreements, or with restrictive covenants running with the land to which the city is a party. Where this title imposes a greater restriction upon land than is imposed or required by such existing provisions of law, ordinance, contract or deed, the provisions of this title shall control.

B. Any parcel of land that was created prior to March 4, 1972 shall be conclusively presumed to have

been lawfully created, if at the time of creation of the parcel there was compliance with all applicable ordinances of the city. (Ord. 2533 § 1 (part), 2001)

16.02.030 Purpose.

It is the purpose of this title to regulate and control the division of land within the city and to supplement the provisions of the Government Code of the State of California referred to as the Subdivision Map Act, the Public Resources Code, the Business and Professions Code, and to all other regulations provided by law, concerning the design, improvement and survey data of subdivisions, the form and content of maps provided for by the Subdivision Map Act and the procedure to be followed in securing official approval regarding such maps. To accomplish this purpose, the regulations outlined in this title are determined to be necessary for the preservation of the public health, safety, and general welfare, to promote orderly growth and development and to promote open space, conservation, protection, and proper use of land and to insure provision for adequate traffic circulation, utilities, and services. (Ord. 2533 § 1 (part), 2001)

16.02.040 Severability clause.

If a provision of this title or the application thereof to any person(s) or circumstance(s) is held invalid by a court of competent jurisdiction, the remainder of this title and the application of such provisions to other person(s) or circumstance(s) shall not be affected thereby. (Ord. 2533 § 1 (part), 2001)

16.02.050 Compliance required.

A. No land shall be subdivided and developed for any purpose which is not in conformity with the general plan, any applicable specified plan, any applicable development plan, or specifically authorized by the city zoning ordinance.

B. The type and intensity of land use(s) for which the subdivision is designed shall be consistent with the land use designations as shown on the general plan and permitted by the zoning ordinance and shall provide for the streets, roads, highways, utilities, and public services as determined by the City Engineer or by local ordinance to be necessary for such type and intensity of land use. (Ord. 2533 § 1 (part), 2001)

16.02.060 Penalty for noncompliance.

Pursuant to Section 66499.31 of the Map Act, each violation of this title by the subdivider or owner of record at the time of the violation, shall be punishable by imprisonment in the county jail or state prison for not more than one year, or by a fine not exceeding ten thousand

dollars (\$10,000.00), or by both fine and imprisonment. Other violations shall be punishable as a misdemeanor offense. (Ord. 2533 § 1 (part), 2001)

16.02.070 Falsification.

Fraudulent misrepresentation by the applicant of pertinent information necessary to an approval shall be sufficient reason to invalidate an approval obtained pursuant to this title. (Ord. 2533 § 1 (part), 2001)

16.02.080 Inconsistent provisions.

Where provisions of this title are inconsistent with existing provisions contained in other titles of this code, the provisions contained herein shall prevail. (Ord. 2533 § 1 (part), 2001)

Chapter 16.04**RESPONSIBILITIES****Sections:**

16.04.010	City Council.
16.04.020	Planning Commission.
16.04.030	City Attorney.
16.04.040	City Engineer.
16.04.050	Planning Services Managers.
16.04.060	Subdivision Committee.

16.04.010 City Council.

The City Council shall be the "Appeal Board", as defined in Section 66416 of the Map Act. (Ord. 2533 § 1 (part), 2001)

16.04.020 Planning Commission.

The Planning Commission is made the Advisory Agency of the city as such Advisory Agency is defined and established in Section 66416 of the Map Act, and the authority is delegated to the Advisory Agency to investigate any and all matters pertaining to approval, conditional approval or disapproval of, all proposed divisions of land and reversions to acreage. The City Council shall review and approve tentative tract maps. (Ord. 2533 § 1 (part), 2001)

16.04.030 City Attorney.

The City Attorney shall be responsible for approving as to form all subdivision improvement agreements and for providing guidance with regard to land use law to the staff, the Planning Commission and the City Council. (Ord. 2533 § 1 (part), 2001)

16.04.040 City Engineer.

The City Engineer shall be responsible for:

A. Establishing design and construction details, standards, and specifications.

B. Determining if the proposed improvements comply with the provisions of this title and the Map Act and for reporting the findings together with any recommendations for approval, conditional approval, or denial.

C. The processing and certification of record documents, including but not limited to final maps, parcel maps and certificates of compliance. (Ord. 2533 § 1 (part), 2001)

16.04.050 Planning Services Managers.

A. The Planning Services Manager shall be responsible for the processing of all tentative land division or reversion to acreage maps, and processing requests for

merger/unmerge of parcels and for the collection of all required fees and deposits.

B. Specifically, the Planning Services Manager shall be responsible for:

1. Investigating proposed subdivisions for conformity to the general plan, specific plans, redevelopment plans and the zoning ordinance of the city and reporting such findings, together with recommendations for approval, conditional approval or denial to the Planning Commission.

2. Certifying, as Secretary of the Planning Commission, that the Planning Commission has approved or conditionally approved the tentative map, parcel map or mergers as required in this title. (Ord. 2533 § 1 (part), 2001)

16.04.060 Subdivision Committee.

A. The Subdivision Committee shall consist of representatives from the following city divisions: Planning, Building, Engineering and Los Angeles County Fire Department.

B. The Committee shall review all proposed divisions of land, reversions to acreage or requests for merger/unmerge of parcels as required in this Title and shall provide a written report of such findings and recommendations to the Planning Commission. (Ord. 2533 § 1 (part), 2001)

Chapter 16.06**DEFINITIONS****Sections:**

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16.06.010 Generally.

When not inconsistent with the context, words used in the present tense include the future; words in the singular number include the plural, and the plural, the singular; words in any gender include the others; the word "shall" is mandatory; and the word "may" is permissive. Whenever any words or phrases used are not defined herein, but are defined in the Map Act or other state laws, such definitions are incorporated by reference. (Ord. 2533 § 1 (part), 2001)

16.06.020 Certificate of compliance.

"Certificate of compliance" means a document recorded by the County Recorder which identifies, by legal description, certain real property and states that the division thereof complies with applicable provisions of this title and the Map Act. (Ord. 2533 § 1 (part), 2001)

16.06.030 Collector street.

"Collector street" means a street lower in classification and physical size than the arterial, that performs an equally important function of collecting neighborhood traffic from local streets and transferring it to larger arterial streets or to the more local activity areas such as schools, shopping centers, and employment centers. (Ord. 2533 § 1 (part), 2001)

16.06.040 Condominium.

"Condominium" means an estate in real property consisting of an undivided interest in common in a parcel of real property together with a separate interest in space in a residential, industrial or commercial building; such as, an apartment, office or store. In addition, a condominium may include a separate interest in other portions of such real property.

Such estate may, with respect to the duration of its enjoyment, be either:

- A. An estate of inheritance or perpetual estate;
- B. An estate for life; or

C. An estate for years, such as a leasehold or subleasehold. (Ord. 2533 § 1 (part), 2001)

16.06.050 Condominium conversion.

"Condominium conversion" means the conversion of existing developed real property into a condominium, a community apartment project, or a stock cooperative. (Ord. 2533 § 1 (part), 2001)

16.06.060 Dedicated street.

"Dedicated street" means a public thoroughfare or right of way dedicated or deeded to the city for road purposes, and formally accepted as such by the city or condemned for use as such, other than an alley which affords the principal means of access to abutting property, including avenues, places, ways, drives, lanes, boulevards, highways, roads and any other thoroughfare except as excluded in this paragraph.

Nothing herein shall preclude or stop the city from claiming a dedication by public use, but no dedication by public use may be asserted against the city, if the city does not elect to accept or treat the street or road as dedicated. (Ord. 2533 § 1 (part), 2001)

16.06.070 Final map.

"Final map" means a map showing a subdivision for which a tentative and final map is required by the Map Act or this chapter, prepared in accordance with the provisions of this title and the Map Act, designed to be recorded in the office of the County Recorder. (Ord. 2533 § 1 (part), 2001)

16.06.080 General plan.

"General plan" means the general plan of the city, adopted by City Council Resolution Number 7196 on July 23, 1991, and any subsequent amendments thereto. (Ord. 2533 § 1 (part), 2001)

16.06.090 Local street.

"Local street" means a street intended to provide access to homes and not intended to carry through traffic. (Ord. 2533 § 1 (part), 2001)

16.06.100 Lot.

"Lot" means a parcel or portion of land separated from other portions by description, as on a subdivision or record of survey map, or by metes and bounds, for purpose of sale, lease, or separate use. (Ord. 2533 § 1 (part), 2001)

16.06.110 Lot division.

"Lot division" means a record map showing a division of land as required by Section 66426(a)—(d) of the Map Act. A lot division map is the same as a "parcel map." (Ord. 2533 § 1 (part), 2001)

16.06.120 Lot line adjustment.

"Lot line adjustment" means a shift or rotation of an existing lot line or other adjustments where a greater number of parcels than originally existed is not created. (Ord. 2533 § 1 (part), 2001)

16.06.130 Major arterial.

"Major arterial" means streets and highways designed to move large volumes of traffic between freeway systems and between the freeway and local areas of traffic generation. They may also include streets that are designed to move large volumes of traffic between jurisdictions (refer to the circulation element of the general plan). (Ord. 2533 § 1 (part), 2001)

16.06.140 Merger.

"Merger" means the joining of two or more contiguous parcels of land under one ownership into one parcel, pursuant to Chapter 3, Article 1.5 of the Map Act. (Ord. 2533 § 1 (part), 2001)

16.06.150 Owner.

"Owner" means the individual, firm, association, syndicate, partnership, or corporation holding legal title to an interest in real property. (Ord. 2533 § 1 (part), 2001)

16.06.160 Parcel map.

"Parcel map." See Section 16.06.110, "lot division." (Ord. 2533 § 1 (part), 2001)

16.06.170 Planned development.

"Planned development" means a development where the structures are individually owned and the property owners association, through covenants, codes and restrictions, maintains the common areas, as further defined in Civil Code Section 1351(k). Maps for such projects shall be prepared in accordance with the provisions for tentative tract maps or parcel maps contained herein. (Ord. 2533 § 1 (part), 2001)

16.06.180 Private street.

"Private street" means a parcel of land not dedicated as a public street held by a private owner or over which a private easement for road purposes has been granted to the owners of property receiving access therefrom, and the instrument creating the easement has been duly recorded or filed in the office of the Recorder of Los Angeles County. (Ord. 2533 § 1 (part), 2001)

16.06.190 Redevelopment plan.

"Redevelopment plan" means any plan adopted by the City Council and the El Monte Community Redevelopment Agency in conformance with California Community Redevelopment Law, Health and Safety Code Section 33000 et seq. (Ord. 2533 § 1 (part), 2001)

16.06.200 Remainder.

"Remainder" means that portion of an existing parcel or parcels of land which is not included as part of the subdivided land, pursuant to Section 66424.6 of the Map Act. (Ord. 2533 § 1 (part), 2001)

16.06.210 Secondary arterial.

"Secondary arterial" means a street to distribute traffic from the major arterial to the business districts and other centers of community activity, and also to the collector streets. (Ord. 2533 § 1 (part), 2001)

16.06.220 Specific plan.

"Specific plan" means a detailed and comprehensive land use and development plan for a defined area within the city, adopted pursuant to Sections 65450 through 65456, inclusive, of the California Government Code. A specific plan must be consistent with the general plan and must contain regulations for the uses of land, including the conservation of open space, along with development standards and an implementation program to provide for all infrastructure and public services needed to support

the land uses described in the plan. (Ord. 2533 § 1 (part), 2001)

16.06.230 Subdivision improvement standard.

“Subdivision improvement standard” means standard details, standard specifications, and other standards approved by the City Engineer that shall govern the improvements to be constructed pursuant to this title and the Map Act. (Ord. 2533 § 1 (part), 2001)

16.06.240 Vesting map.

“Vesting map” means a special form of a tentative map, filed pursuant to Chapter 4.5 of the Map Act, which confers certain vested rights, for a specified period of time, to proceed with development in substantial compliance with the ordinances, policies and standards in effect at the time the vesting map is approved or conditionally approved. (Ord. 2533 § 1 (part), 2001)

16.06.250 Zoning ordinance.

“Zoning ordinance” means Title 17 of this code, or any ordinance enacted under the zoning powers of the city. (Ord. 2533 § 1 (part), 2001)

Division 2. Maps and Procedures**Chapter 16.08****MAPS REQUIRED****Sections:**

- | | |
|------------------|--|
| 16.08.010 | Divisions of land requiring a final map. |
| 16.08.020 | Divisions of land requiring a parcel map. |
| 16.08.030 | Fees and deposits. |
| 16.08.040 | Designated remainder parcels. |

16.08.010 Divisions of land requiring a final map.

Tentative and final maps shall be required for those projects specified in Section 66426 of the Map Act. (Ord. 2533 § 1 (part), 2001)

16.08.020 Divisions of land requiring a parcel map.

Parcel maps shall be required for all proposed subdivisions which require a parcel map, as defined in Section 66426 of the Map Act, and for all land divisions creating four (4) or fewer parcels, unless expressly exempted by the Map Act or other provisions of this title. (Ord. 2533 § 1 (part), 2001)

16.08.030 Fees and deposits.

All persons submitting a tentative map a final map or a parcel map as required by this chapter shall pay all fees and charges in accordance with Section 16.34.020 of this title. (Ord. 2533 § 1 (part), 2001)

16.08.040 Designated remainder parcels.

A subdivider may designate as a remainder that portion of land within the subdivision which is not divided for the purpose of sale, lease or financing. The designated remainder parcel shall not be counted as a parcel for purposes of determining whether a parcel map or final map is required. This section applies to a remainder as defined in Section 16.06.200 of this title and is enacted pursuant to Section 66424.6 of the Map Act. (Ord. 2533 § 1 (part), 2001)

Chapter 16.10

TENTATIVE TRACT MAP

Sections:

16.10.010	General.
16.10.020	Pre-filing conference.
16.10.030	Form and content.
16.10.040	Accompanying data and reports.
16.10.050	Filing of tentative map.
16.10.060	Distribution of tentative map.
16.10.070	Subdivision Committee conference.
16.10.080	Notice of public hearing.
16.10.090	Action by Planning Commission.
16.10.100	Approval.
16.10.110	Denial.
16.10.120	Action by City Council.
16.10.130	Extension of time for Planning Commission/City Council action.
16.10.140	Expiration of approved tentative map.
16.10.150	Map checking fees to City Engineer.
16.10.160	Amendments to approved tentative map.

16.10.010 General.

The form and contents, application requirements and approval of tentative maps for a proposed subdivision shall be in accordance with the Map Act and this title. The tentative tract map shall be prepared by a registered civil engineer or licensed land surveyor. (Ord. 2533 § 1 (part), 2001)

16.10.020 Pre-filing conference.

After reviewing the requirements of this chapter, it is required that the subdivider confer with the city planning and engineering staff before preparing and filing a tentative map. (Ord. 2533 § 1 (part), 2001)

16.10.030 Form and content.

A. The tentative map shall be prepared in a manner acceptable to the Planning Services Manager and the City Engineer and shall be prepared by a registered civil engineer or licensed land surveyor.

B. The tentative map shall be clearly and legibly drawn on one sheet at a scale not less than one hundred (100) feet to the inch (1" = 20') and shall contain not less than the following:

1. A title that shall contain the subdivision number assigned by the County Engineer, subdivision name, and type of subdivision;

2. Name, address, and telephone number of legal owner, subdivider, and person preparing the map (including registration number);

3. Sufficient legal description to define the boundary of the proposed subdivision;

4. Date, north arrow, scale, and contour interval;

5. Existing and proposed land use;

6. A vicinity map showing roads, adjoining subdivisions, towns, flood control facilities, railroads, and other data sufficient to locate the proposed subdivision and show its relation to the community;

7. Existing topography of the proposed site and at least one hundred (100) feet beyond its boundary, including but not limited to:

a. Existing contours at one-foot intervals if the existing ground slope is less than ten (10) percent and not less than two (2) foot intervals for existing ground slopes equal to or greater than ten (10) percent. Contour intervals shall not be spread more than one hundred fifty (150) feet apart. Existing contours shall be represented by dashed lines or by screened lines.

b. Type, circumference and dripline of existing trees and any trees proposed to be removed shall be so indicated.

c. The approximate location and outline of existing structures identified by type. Structures to be removed shall be so marked.

d. The approximate location and outline of all areas subject to inundation or storm water overflow and the location, width and direction of flow of each watercourse.

e. The location, pavement and right-of-way width, grade and name of existing streets or highways.

f. The widths, location and identity of all existing easements.

g. The location and size of existing sanitary sewers, water drains. The approximate slope of existing sewers and storm drains shall be indicated.

h. The location of existing overhead utility lines on peripheral streets.

i. The source and date of existing contours.

8. Proposed improvements to be shown shall include but not be limited to:

a. The location, grade, centerline radius and arc length of curves, pavement, right-of-way width and name of all streets. Typical sections of all streets shall be shown.

b. The location and radius of all curb returns and cul-de-sacs.

c. The location, width and purpose of all easements, including the instrument number of the document recording the easement.

d. The angle of intersecting streets if such angle deviates from a right angle by more than four degrees.

e. The approximate lot layout and the approximate dimensions of each lot and of each building site. Engineering data shall show the approximate finished grading of each lot, the preliminary design of all grading, the elevation of proposed building pads, the top and toe of cut and fill slopes to scale and the number of each lot.

f. Proposed contours at two (2) foot intervals shall be shown if the existing ground slope is less than ten (10) percent and shall be shown at five (5) foot intervals for existing ground slopes of ten (10) percent or more. A separate grading plan may be submitted.

g. Proposed recreation sites, trails and parks for private or public use.

h. Proposed common areas and areas to be dedicated to public open space.

i. The location and size of sanitary sewers, water mains and storm drains. Proposed slopes and approximate elevations of sanitary sewers and storm drains shall be indicated.

j. The name or names of any geologist or soils engineer whose services were required in the preparation of the design of the tentative map.

k. All lettering size shall be one-eighth inch minimum.

9. If the subdivider plans to develop the site in units, the proposed units and their proposed sequence of construction shall be shown.

The City Engineer or the Planning Services Manager may waive any of the above tentative map requirements if the type of subdivision does not need to comply with these requirements, or that other circumstances justify a waiver, such waivers shall be provided for in writing. The City Engineer or Planning Services Manager may require other drawings, data or information as deemed necessary. (Ord. 2533 § 1 (part), 2001)

16.10.040 Accompanying data and reports.

The tentative map shall be accompanied by the following data or reports:

A. Soils Report. A preliminary soils report prepared in accordance with the city's grading ordinance shall be submitted. If the preliminary soils report indicates the presence of critically expansive soils or other soil problems which, if not corrected, would lead to structural defects, the soils report accompanying the final map shall contain an investigation of each lot within the subdivision.

B. Engineering Geology and/or Seismic Safety Report. A preliminary engineering geology and/or seismic safety report, prepared in accordance with city guidelines, is required if the subdivision lies within a "medium risk" or "high risk" geologic hazard area, as shown on maps on file contained within the safety element of the El Monte general plan.

C. Title Report. A preliminary title report, or other suitable evidence, showing the legal owners at the time of filing the tentative map.

D. Environmental Impact Study. The time limits set forth in this chapter for taking action on tentative maps shall not be deemed to commence until the subdivision is found exempt or an Initial Study is completed and a Negative Declaration or Environmental Impact Report, as appropriate, is prepared, processed, and a final environmental document, prepared in accordance with the provisions of the California Environmental Quality Act, is available for concurrent consideration with the tentative map. The subdivider shall provide such additional data and information and deposit and pay such fees as may be required for the preparation and processing of environmental review documents pursuant to the city's procedures for implementation of the California Environmental Quality Act.

E. Other Reports. Any other data or reports deemed reasonably necessary by the Planning Services Manager or as required by the Condominium Conversion Division or other ordinances of the city. (Ord. 2533 § 1 (part), 2001)

16.10.050 Filing of tentative map.

A. The tentative map shall be considered for filing only when such map conforms to Section 16.10.030 "Form and Contents," when all accompanying data or reports, as required by Section 16.10.040, have been submitted and accepted by the Planning Services Manager and the City Engineer and all required application fees have been paid in full.

B. The subdivider shall file with the Planning Services Manager the number of tentative maps as required in the city filing procedures. (Ord. 2533 § 1 (part), 2001)

16.10.060 Distribution of tentative map.

A. The Planning Services Manager shall forward copies of the tentative map to the following agencies which may, in turn, forward to the Planning Services Manager, such findings and recommendations. Public agencies and utilities shall certify that the subdivision can be adequately served. These agencies include: City Department of Public Works, Los Angeles County Fire Department, local school district, and other affected

agencies or property owners as deemed necessary by the Planning Services Manager.

B. Within ten (10) days of the filing of a tentative map, the Planning Services Manager shall send notice of the filing of the tentative map to the governing board of any elementary, high school or unified school district within the boundaries of which the subdivision is proposed to be located. The notice shall also contain information about the location of the proposed subdivision, the number of units, density, and any other information that would be relevant to the affected school district.

C. The governing board may review the notice and may send a written report to the agency required by law to approve the tentative map. The report shall indicate the impact of the proposed subdivision on the affected school district and shall make recommendations as the governing board of the district deems appropriate. In the event the school district fails to respond within a fifteen (15) working day period from receipt of notice of the tentative map, the failure shall be deemed approval of the proposed subdivision by the school district. The Planning Commission shall consider the report from the school district in approving, conditionally approving or denying the tentative map. (Ord. 2533 § 1 (part), 2001)

16.10.070 Subdivision Committee conference.

The Subdivision Committee shall meet to review and make recommendations and comments on the tentative map. A report containing their recommendations or comments concerning the tentative map and its impact on the community shall be submitted to the Planning Commission. Such reports shall be in writing and a copy shall be available to the subdivider, and on each tenant of the subject property in the case of a proposed conversion of residential real property to a condominium project, community apartment project, or stock cooperative project at least three (3) days prior to any hearing or action on such map by the Planning Commission. Any subsequent reports prepared by the committee for consideration by the City Council after action by the Planning Commission shall likewise be in writing and a copy of such report shall be similarly available to the subdivider and each tenant of the subject property in the case of a proposed conversion of residential real property to a condominium project, community apartment. (Ord. 2533 § 1 (part), 2001)

16.10.080 Notice of public hearing.

A. Upon receipt of a valid application, the Planning Services Manager shall set the matter for public hearing before the Planning Commission. Noticing shall be pursuant to Government Code Section 65090 or 65091.

B. In addition, in the case of a proposed conversion of residential real property to a condominium project, community apartment project, or stock cooperative project, notice shall be given as required by Government Code Section 66451.3. All costs of such notice shall be computed by the city and paid by the subdivider as part of the application fee for the condominium conversion. (Ord. 2533 § 1 (part), 2001)

16.10.090 Action by Planning Commission.

The Planning Commission shall make its recommendation to the City Council within fifty (50) days after a complete application for such map has been filed. If an Environmental Impact Report is prepared for the tentative map, the fifty (50) day period specified above shall not be applicable and the Planning Commission shall render its decision within forty-five (45) days after certification of the Environmental Impact Report. Time limits specified herein shall be modified only to the extent provided for in the Map Act. (Ord. 2533 § 1 (part), 2001)

16.10.100 Approval.

A. In determining whether recommend approvals or disapproval of an application to the City Council for a tentative map, the Planning Commission shall apply only those ordinances, policies and standards in effect at the date the Planning Services Manager has determined that the application is complete, pursuant to Section 65943 of the Government Code, except in the following instances:

1. The city has initiated proceedings to modify land use regulations by way of ordinance, resolution or motion.

2. The city has published legal notice containing a description sufficient to notify the public of the nature of the proposed change in the applicable general or specific plans, and zoning or subdivision ordinances.

B. Whenever the city has performed both subsections (A)(1) and (A)(2) of this section, it may apply any ordinances, policies or standards enacted or instituted as a result of those proceedings which are in effect on the date the Planning Commission approves or disapproves the tentative map.

C. If the applicant requests changes in applicable ordinances, policies or standards in connection with the same development project, any ordinances, policies or standards adopted pursuant to the applicant's request shall apply.

D. The Planning Commission, or the City Council may modify or delete any of the conditions of approval recommended in the Planning Divisions report. The Planning Commission and City Council may add addi-

tional requirements as a condition of their approval. (Ord. 2533 § 1 (part), 2001)

16.10.110 Denial.

A. The tentative map may be recommended for denial by the Planning Commission, or denied by the City Council on any of the grounds provided by city ordinances or the Map Act.

B. The Planning Commission and/or City Council shall deny the tentative map if it makes any of the following findings:

1. That the proposed map is not consistent with applicable general and specific plans;

2. That the design or improvement of the proposed subdivision is not consistent with applicable general and specific plans;

3. That the site is not physically suitable for the type of development;

4. That the site is not physically suitable for the proposed density of development;

5. That the design of the subdivision or the proposed improvements are likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat. However, if an environmental impact report was prepared for the project and a finding was made pursuant to Subdivision (c) of Section 21081 of the Public Resources Code that specific economic, social and other considerations make infeasible the mitigation measures or project alternatives identified in the environmental impact report, then the Planning Commission may still approve the tentative map;

6. That the design of the subdivision or the type of improvements is likely to cause serious public health problems;

7. That the design of the subdivision or the type of improvements will conflict with easements, acquired by the public at large, for access through or use of, property within the proposed subdivision. In this connection, the governing body may approve a map if it finds that alternate easements for access or for use will be provided, and that these will be substantially equivalent to ones previously acquired by the public. This subsection shall apply only to easements of record and to easements established by judgment of a court of competent jurisdiction. No authority is granted to a legislative body to determine that the public at large has acquired easements for access through or use of property within the proposed subdivision. (Ord. 2533 § 1 (part), 2001)

16.10.120 Action by City Council.

The City Council may sustain, modify, or overrule any such requirements, ruling, findings, of the Planning Commission, and may modify the kinds, nature, and extent of any improvements required. The City Council shall consider the tentative tract map within thirty (30) days of Planning Commission action. City Council action shall be taken at a public hearing with notice being given pursuant to Section 16.10.130 of this title. The decision of the City Council shall be final, and upon making its decision, the City Clerk shall within ten (10) days, mail a written report of the outcome directly to the applicant or owner and to the various city departments. (Ord. 2533 § 1 (part), 2001)

16.10.130 Extension of time for Planning Commission/City Council action.

The time limits set forth above for acting on the tentative map may be extended by mutual consent of the subdivider and the Planning Commission/City Council in accordance with the provisions of Section 66451.1 of the Map Act. (Ord. 2533 § 1 (part), 2001)

16.10.140 Expiration of approved tentative map.

An approved or conditionally approved tentative map shall expire twenty-four (24) months following such approval by the City Council, if the final map has not been approved by the City Engineer, unless permission to extend the expiration period is granted by the Planning Commission. Such extension of time shall not exceed an additional twelve (12) months. However, pursuant to Section 66452.6 (a) of the Map Act, if the subdivider is subject to a requirement of one hundred thousand dollars (\$100,000.00) or more to construct, improve or finance the construction or improvement of public improvements outside the boundaries of the tentative map, each filing of a phase of a multiple final map authorized by Section 16.16.100 herein, shall extend the expiration of the approved tentative map thirty-six (36) months from the original or extended expiration date, or thirty-six (36) months from the date of recordation of the previous phase map. Such extensions shall not extend the tentative map more than ten (10) years beyond the original approval date. "Public improvements" include traffic control, streets, roads, highways, freeways, bridges, overcrossings, streets, interchanges, flood control or storm drain facilities, sewer facilities, water facilities and lighting facilities.

A. A tentative map on property subject to a development agreement with the city or redevelopment agency may be extended for the period of time provided for in

the agreement, but not beyond the duration of the agreement.

B. The time periods specified in subsection A of this section shall not include any period of time during which a development moratorium or lawsuit affecting the property is in effect, pursuant to Sections 66452.6 (b), (c), and (f) or Section 66456.6 (f) of the Map Act.

C. The subdivider shall file a request with the Planning Services Manager to extend the expiration of an approved tentative map no less than fifteen (15) days prior to the expiration date. Such filing shall automatically extend the expiration date for sixty (60) days, or until the request is recommended by the Planning Commission to the City Council. (Ord. 2533 § 1 (part), 2001)

16.10.150 Map checking fees to City Engineer.

Applicants for final parcel maps shall deposit a fee with the City Engineer to defray the cost associated with the checking of the tentative map, preparation of conditions of approval, final and parcel map, grading plans and offsite improvement plans. (Ord. 2533 § 1 (part), 2001)

16.10.160 Amendments to approved tentative map.

A. Amendments to an approved tentative map shall be submitted to the Planning and Engineering Divisions for their review. Applications for amendments shall conform to the requirements of the Planning Services Manager and the City Engineer, accompanied by the appropriate fee as established by resolution of the City Council.

B. The Planning Services Manager shall determine whether the requested amendment(s) are minor or major. If the Director determines that such amendment(s) is minor, the matter shall be set for review by the Planning Commission and shall prepare a written report concerning such amendment for consideration by the Planning Commission.

C. If the Planning Services Manager determines that an amendment is major, the matter shall be set for a public hearing, and the amendment shall be processed as provided in Sections 16.10.060, 16.10.100, 16.10.110 and 16.10.120 of this title.

D. Actions on requested amendments shall not alter or extend the expiration date of the originally approved tentative map. (Ord. 2533 § 1 (part), 2001)

Chapter 16.12

PARCEL MAPS

Sections:

16.12.010	General.
16.12.020	Pre-filing conference.
16.12.030	Form and content.
16.12.040	Environmental impact determination.
16.12.050	Filing of parcel map.
16.12.060	Subdivision Committee review.
16.12.070	Notice of public hearing.
16.12.080	Action by the Planning Commission.
16.12.090	Approval.
16.12.100	Denial.
16.12.110	Appeal of Planning Commission action.
16.12.120	Extension of time for Planning Commission/City Council action.
16.12.130	Map checking fees to City Engineer.
16.12.140	Expiration/extension of approved parcel map.

16.12.010 General.

The form and contents, submittal, and approval of tentative parcel maps shall conform to the provisions of this section. The tentative parcel map shall be prepared by a registered civil engineer or licensed land surveyor. (Ord. 2533 § 1 (part), 2001)

16.12.020 Pre-filing conference.

After reviewing the requirements of this division, it is required that the subdivider confer with the city planning and engineer staff before preparing and filing the parcel map. (Ord. 2533 § 1 (part), 2001)

16.12.030 Form and content.

The parcel map shall be clearly and legibly drawn on one sheet. The scale shall be approved by the City Engineer and all lettering shall be one-eighth inch minimum in height. The final form shall be as approved by the City Engineer and shall be prepared by a registered civil engineer or licensed land surveyor.

The map shall show the following information:

A. A title which shall contain the subdivision number assigned by the County Engineer, subdivision name, and type of subdivision.

B. Name, address, and telephone number of legal owner, subdivider, and person preparing the map (including registration number).

C. Sufficient legal description to define the boundary of the proposed subdivision.

D. Date, north arrow, scale, and contour interval.

E. Existing and proposed land use.

F. A vicinity map showing roads, adjoining subdivisions, towns, creeks, railroad, and other data sufficient to locate the proposed subdivision and show its relation to the community.

G. Existing topography of the proposed side and at least one hundred (100) feet beyond its boundary, including but not limited to:

1. Existing contours at one-foot intervals if the existing ground slope is less than ten (10) percent and at not less than two (2) foot intervals for existing ground slopes equal to or greater than ten (10) percent. Contour intervals shall not be spread more than one hundred fifty (150) feet apart. Existing contours shall be represented by dashed lines or by screened lines.

2. Type, circumference and dripline of existing trees and any trees proposed to be removed shall be so indicated. The approximate location and outline of existing structures identified by type. Structures to be removed shall be so marked.

3. The approximate location of all areas subject to inundation or storm water overflow and the location, width and direction of flow of each water course.

4. The location, pavement and right-of-way width, grade and name of existing streets or highways.

5. The widths, location and identity of all existing easements.

6. The location and size of existing sanitary sewers, water mains and storm drains. The approximate slope of existing sewers and storm drains shall be indicated. The location of existing overhead utility lines on peripheral streets.

H. Proposed improvements to be shown shall include but not be limited to:

1. The location, grade, centerline radius and arc length of curves, pavement, right-of-way width and name of all streets. Typical sections of all streets shall be shown. The location and radius of all curb returns and cul-de-sacs.

2. The location, width and purpose of all easements, including the instrument number of the document recording the easement.

a. The angle of intersecting streets if such angle deviates from a right angle by more than four (4) degrees.

b. The approximate lot layout and the approximate dimensions of each lot and of each building site. Engineering data shall show the approximate finished grading of each lot, the preliminary design of a grading, the elevation of proposed building pads, the top and toe of cut and fill slopes to scale and the number of each lot.

3. Proposed contours at one-foot intervals shall be shown if the existing ground slope is less than ten (10) percent and shall be shown at two (2) foot intervals for existing ground slopes of ten (10) percent or more. A separate grading plan may be submitted.

4. Proposed recreation sites, trails and parks for private or public use.

5. Proposed common areas and areas to be dedicated to public open space.

6. The location and size of sanitary sewers, water mains and storm drains. Proposed slopes and approximate elevations of sanitary sewers and storm drains shall be indicated.

7. The name or names of any geologist or soils engineer whose services were required in the preparation of the design of the tentative map.

All lettering size shall be one-eighth inch minimum.

If the subdivider plans to develop the site in units, the proposed units and their proposed sequence of construction shall be shown.

The City Engineer or Planning Services Manager may waive any of the above map requirements if the type of subdivision does not need to comply with these requirements, or that other circumstances justify a waiver, such waivers shall be in writing. The City Engineer or Planning Services Manager may require other drawings, data or information as deemed necessary. (Ord. 2533 § 1 (part), 2001)

16.12.040 Environmental impact determination.

The time limits set forth in this chapter for taking action on the parcel map shall not be deemed to commence until the land division is found exempt or an initial study is completed and a Negative Declaration or Environmental Impact Report, as appropriate, is prepared, processed, and a final environmental document, prepared in accordance with the provisions of the California Environmental Quality Act, is available for concurrent consideration with the parcel map. The subdivider shall provide such additional data and information and shall deposit and pay such fees as may be required for the preparation and processing of environmental review documents pursuant to the city's procedures for implementation of the California Environmental Quality Act. (Ord. 2533 § 1 (part), 2001)

16.12.050 Filing of parcel map.

The parcel map shall be considered for filing only when such map conforms to Sections 16.12.030 and 16.12.040, and has been submitted and accepted by the Planning Services Manager and all application fees have been paid in full. The subdivider shall file with the Department of Planning and Community Development the number of maps as required in the city filing procedures. (Ord. 2533 § 1 (part), 2001)

16.12.060 Subdivision Committee review.

The Subdivision Committee shall meet to review and make recommendations and comments on the parcel map. A report containing such recommendations or comments concerning the tentative parcel map and its bearing on the community shall be submitted to the Planning Commission. Such reports shall be in writing and a copy shall be available to the subdivider, and each tenant of the subject property in the case of a proposed conversion of residential real property to a condominium project, community apartment project, or stock cooperative project at least three (3) days prior to any hearing or action on such map by the Planning Commission. (Ord. 2533 § 1 (part), 2001)

16.12.070 Notice of public hearing.

A. Upon receipt of a valid application, the Planning Services Manager shall set the matter for public hearing before the Planning Commission. Noticing shall be pursuant to the public hearing requirements in Government Code Section 65090 or 65091.

B. In addition, in the case of a proposed conversion of residential real property to a condominium project, community apartment project, or stock cooperative project, notice shall be given as required by Government Code Section 66451.3(b). All costs of such notice shall be computed by the city and paid by the subdivider as part of the application fee for the condominium conversion. (Ord. 2533 § 1 (part), 2001)

16.12.080 Action by the Planning Commission.

At the public hearing, the Planning Commission shall hear all the evidence, and recommendations, and shall approve, conditionally approve, or disapprove the parcel map within fifty (50) days of the filing thereof, a completed application. If an Environmental Impact Report is prepared for the parcel map, the fifty (50) day period specified above shall not be applicable and the Planning Commission shall render its decision within forty-five (45) days after certification of the Environmental Impact Report. The decision of the Planning Commission may

be recorded in the form of a resolution. If a resolution is prepared it shall contain the facts and reasons upon which the decision was based, and include the finding that said division is or is not consistent with the city general plan, or any applicable specific plans, or other applicable ordinances or policies. The Secretary of the Planning Commission shall thereafter report the Commission's decision in writing to the applicant within ten (10) days of the action. Such action by the Planning Commission shall become final in the absence of any appeal. Time limits specified herein shall be modified only to the extent provided for in the Map Act. (Ord. 2533 § 1 (part), 2001)

16.12.090 Approval.

A. In determining whether to approve or disapprove an application for a parcel map, the Planning Commission shall apply only those ordinances, policies and standards in effect at the date the Planning Services Manager has determined that the application is complete, pursuant to Section 65943 of the Government Code, except in the following instances:

1. The city has initiated proceedings to modify land use regulations by way of ordinance, resolution or motion.

2. The city has published legal notice containing a description sufficient to notify the public of the nature of the proposed change in the applicable general or specific plans, and zoning or subdivision ordinances.

3. Whenever the city has performed both subsections (A)(1) and (A)(2) of this section, it may apply any ordinances, policies or standards enacted or instituted as a result of those proceedings which are in effect on the date the Planning Commission approves or disapproves the parcel map.

4. If the applicant requests changes in applicable ordinances, policies or standards in connection with the same development project, any ordinances, policies or standards adopted pursuant to the applicant's request shall apply.

B. The Planning Commission, (or on appeal, the City Council) may modify or delete any of the conditions of approval recommended in the Community Development Department's report. The Planning Commission and City Council may add additional requirements as a condition of their approval. (Ord. 2533 § 1 (part), 2001)

16.12.100 Denial.

A. The parcel map may be denied by the Planning Commission on any of the grounds provided by city ordinances or the Subdivision Map Act.

B. The Planning Commission shall deny the parcel map if it makes any of the follow findings:

1. That the proposed map is not consistent with applicable general and specific plans;

2. That the design or improvement of the proposed subdivision is not consistent with applicable general and specific plans;

3. That the site is not physically suitable for the type of development;

4. That the site is not physically suitable for the proposed density of development;

5. That the design of the subdivision or the proposed improvements are likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat. However, if an environmental impact report was prepared for the project and a finding was made pursuant to Subdivision (c) of Section 21081 of the Public Resources Code that specific economic, social and other considerations make infeasible the mitigation measures or project alternatives identified in the environmental impact report, the Planning Commission may still approve the parcel map;

6. That the design of the subdivision or the type of improvements is likely to cause serious public health problems;

7. That the design of the subdivision or the type of improvements will conflict with easements, acquired by the public at large, for access through or use of, property within the proposed subdivision. In this connection, the governing body may approve a map if it finds that alternate easements for access or for use will be provided, and that these will be substantially equivalent to ones previously acquired by the public. This subsection shall apply only to easements of record or easements established by judgment of a court of competent jurisdiction. No authority is hereby granted to a legislative body to determine that the public at large has acquired easements for access through or use of property within the proposed subdivision. (Ord. 2533 § 1 (part), 2001)

16.12.110 Appeal of Planning Commission action.

A. If any interested party or the applicant who filed the parcel map is dissatisfied with any requirement, ruling, finding, or disapproval that was specifically considered by the Planning Commission with respect to the map or the kinds, nature, and extent of the improvements and conditions imposed, they shall within ten (10) days after such action appeal in writing to the City Council for relief. Said written appeal shall be filed with the City Clerk and shall set forth the grounds and reasons for such an appeal.

B. The City Council may sustain, modify, or overrule any such requirements, ruling, findings, or disapproval of the Planning Commission, and may modify the kinds, nature, and extent of any improvements required. The City Council shall consider such appeal within thirty (30) days of its filing with the City Clerk. The appeal hearing shall be a public hearing with notice being given pursuant to Section 16.12.080 of this chapter and with additional notices to be given to the subdivider and affected interested persons in a similar manner. The decision of the City Council shall be final, and upon making its decision the City Clerk shall, within ten (10) days, mail a written report of the outcome directly to the applicant or owner and to the various City Departments. Pursuant to Section 66451.2 of the Map Act, fees shall be collected from the subdivider or from persons appealing or filing a complaint, for expenses incurred in addressing the appeal or complaint. The specific fee shall be set in accordance with Section 16.36.020 of this title. (Ord. 2533 § 1 (part), 2001)

16.12.120 Extension of time for Planning Commission/City Council action.

The time limits set forth above for acting on the tentative map may be extended by mutual consent of the subdivider and the Planning Commission in accordance with the provisions of the Map Act. (Ord. 2533 § 1 (part), 2001)

16.12.130 Map checking fees to City Engineer.

Applicants for final parcel maps shall deposit a fee with the City Engineer to defray the cost associated with the checking of the tentative map, preparation of conditions of approval, final and parcel map, grading plans and offsite improvement plans. (Ord. 2533 § 1 (part), 2001)

16.12.140 Expiration/extension of approved parcel map.

The expiration period, procedures for extension of time and other limitations specified in Section 16.10.140 herein, shall apply. (Ord. 2533 § 1 (part), 2001)

Chapter 16.14

VESTING MAPS

Sections:

- 16.14.010** **General.**
- 16.14.020** **Expiration of approved vesting tentative tract or parcel map.**
- 16.14.030** **Vesting tentative tract or parcel map amendments.**
- 16.14.040** **Vesting upon approval of a tentative map.**
- 16.14.050** **Time period to exercise vested rights.**
- 16.14.060** **Applications inconsistent with existing regulations.**

16.14.010 **General.**

The requirements for forms and content, submittal, review, and approval/denial of a tentative vesting map, whichever applies, in accordance with Chapters 16.10 and 16.12 of this title. In addition, the face sheet of a vesting map shall contain the words "vesting tentative tract map" or "vesting parcel map" in a conspicuous location and letter style. The filing of a vesting map is at the exclusion option of the subdivider and shall not be the prerequisite to any proposed subdivisions or an application for development. (Ord. 2533 § 1 (part), 2001)

16.14.020 **Expiration of approved vesting tentative tract or parcel map.**

An approved vesting tentative tract or parcel map shall expire within twenty-four (24) months, unless extended by the Planning Commission and/or City Council, pursuant to the provisions of Section 16.10.140 herein. (Ord. 2533 § 1 (part), 2001)

16.14.030 **Vesting tentative tract or parcel map amendments.**

If the ordinances, standards and policies in effect at the time of vesting tentative tract or parcel map approval are subsequently changed prior to expiration of the vesting tentative map, the applicant may apply for an amendment to that map, to secure a vested right to proceed with the changed ordinances, policies and standards. Such an application shall be reviewed by the Subdivision Committee and acted upon by the Planning Commission and/or City Council pursuant to the requirements for tentative tracts and parcel maps, specified in Chapters 16.10 and 16.12 of this title. (Ord. 2533 § 1 (part), 2001)

16.14.040 **Vesting upon approval of a tentative map.**

The approval or conditional approval of a vesting tentative map shall confer a vested right to proceed with development in substantial compliance with the standards, policies and ordinances in effect at the time of such approval. However, the city may impose reasonable conditions or deny a request for a subsequent permit, approval, extension or other entitlement, if it determines that:

A. Failure to do so could place the residents of the subdivision or the immediate community, or both, in a condition dangerous to their health or safety, or both; or

B. The condition or denial is required, to comply with state or federal laws. (Ord. 2533 § 1 (part), 2001)

16.14.050 **Time period to exercise vested rights.**

A. The rights conferred by an approved vesting tentative map shall last for an initial time period of one year beyond the recording of the final map, parcel map or waiver of parcel map. When multiple final maps are recorded, the one-year initial period shall begin for each phase when the final map for the phase is recorded.

B. The initial time period shall be automatically extended if the city fails to complete its review of an application for a grading permit or for design or architectural review within thirty (30) days from the date that a complete application is received by the city.

C. At any time prior to the expiration of the initial one-year time period, the subdivider may apply for a maximum, one-year time extension, to be considered by the Planning Commission. If such request is denied, the subdivider may appeal that denial to the City Council, within fifteen (15) days of the action.

D. If the subdivider submits a complete application for a building permit within the initial one-year period specified above, the rights conferred by the vesting map shall continue until the expiration of that permit or any extension of such permit granted by the Building Official. (Ord. 2533 § 1 (part), 2001)

16.14.060 **Applications inconsistent with existing regulations.**

Pursuant to Section 66498.4 of the Map Act, a property owner may seek approval for a development within the subdivision for which a vesting tentative map was approved and subsequently recorded, which is not consistent with the ordinances, standards and policies in effect at the time of approval of the vesting tentative map, and the city may approve such request, only to the extent authorized under applicable law. (Ord. 2533 § 1 (part), 2001)

Chapter 16.16

FINAL, PARCEL AND REVERSION TO ACREAGE MAPS

Sections:

- 16.16.010 General.
- 16.16.020 Title sheets.
- 16.16.030 Certificates and acknowledgments.
- 16.16.040 Map sheets.
- 16.16.050 Waiver of parcel map.
- 16.16.060 Waiver of signature—Parcel map.
- 16.16.070 Additional information.
- 16.16.080 Approval of final map.
- 16.16.090 Approval of parcel map.
- 16.16.100 Approval of reversion to acreage map.
- 16.16.110 Multiple final maps.

16.16.010 General.

The subdivider shall file the required number of copies of the final map with the City Engineer. Such filing shall also include adequate evidence that the subdivider has filed the statement required by Section 66492 of the Map Act, with the Los Angeles County Recorder, indicating that there are no liens against the subdivision for unpaid taxes or special assessments. (Ord. 2533 § 1 (part), 2001)

16.16.020 Title sheets.

A. The title sheet of each map shall contain a title consisting of "Tract No. _____" (insert map number) for final maps, "Parcel Map No. _____" (insert map number) for parcel maps, and a subtitle consisting of "A Reversion to Acreage of (insert legal description of land being reverted), for Reversion to Acreage Maps, along with the words "In the City of El Monte" or "Partly in the City of El Monte and partly in unincorporated territory" or "Partly in the City of El Monte and partly in the City of _____" (Insert the name of the adjacent city), whichever is applicable. The title sheet shall also contain a subtitle consisting of a description of all the property in the division of land or reversion to acreage by reference to such map or maps of such property as shall have been previously recorded or filed in the Office of the County Recorder, or filed with the County Clerk pursuant to a final judgment in any action in partition, or filed in the Office of the County Recorder pursuant to the Code of Civil Procedure of the state or by reference to the plat of any United States survey. Each reference in such subtitle to any

record maps shall be worded and spelled identically with, and contain a complete reference to, the book and page of the original record thereof.

B. The certificate of the surveyor or engineer, as required by the Map Act, shall appear on the title sheet along with the date of any survey and the basis of hearings with a reference to a record satisfactory to the City Engineer, of a solar or polaris observation.

C. If applicable, an acknowledgment of the owner's development lien shall be placed on the title sheet, pursuant to Section 66434.1 of the Map Act. The notary's official seal need not appear on the title sheet, provided that the notary's name, county of the notary's principal place of business and the notary's commission expiration date are typed or printed below the notary's signature of acknowledgment.

D. Title sheets may be prepared in a horizontal or vertical format, as approved by the City Engineer. (Ord. 2533 § 1 (part), 2001)

16.16.030 Certificates and acknowledgments.

Those certificates and acknowledgments required by Chapter 2, Article 2 of the Map Act commencing with Section 66425, along with the following additional acknowledgments shall be made by separate instrument and filed concurrently with final maps:

A. All of those certificates, acknowledgments, declarations and statements required by Chapter 2, Article 2, of the Map Act, along with the following additional certificates, may be combined and shall be made by separate instrument and filed concurrently with final maps and reversions to acreage maps.

1. Special assessments certificate, signed by the Director of Finance;

2. Planning commission Certificate, signed by the Planning Services Manager;

3. All of those certificates, acknowledgments and statements required by Chapter 2, Article 3, of the Map Act shall be recorded by separate instrument, concurrently with the parcel map;

4. Subdivider's and/or owner's statement consenting to recordation of the parcel map, as specified in Section 66445(e) of the Map Act;

5. Dedications or offers of dedication, signed by the same parties and in the same manner as specified in Section 66439 of the Map Act for dedications by a final map.

B. All required certificates, affidavits, acknowledgments, and signatures appearing on the title sheet shall be legibly stamped, printed, or signed with opaque ink and all such entries shall be readily reproducible by normal methods of reproduction. (Ord. 2533 § 1 (part), 2001)

16.16.040 Map sheets.

A. General. Each map sheet shall bear the main title of the map, the scale, north point and sheet number and designation of the relation, if any, between that sheet and each other sheet comprising the map.

B. Lot Numbers and Area. All lots shall be numbered and the numbers shall begin with the numeral "1" and continue consecutively without omission or duplication throughout the entire map. No prefix or suffix or combination of letter and number shall be used. Each lot shall be shown entirely on one map sheet. Upon each lot contain an area of three-fourths of an acre or more shall have designated on the map sheet, the acreage of the lot to the nearest one-hundredth of an acre.

C. Lot, Block and Boundary Lines. The bearing and length of each lot, block, and boundary line shall be shown on the map provided, however, when bearings of lot lines in a series of lots are the same, the bearings may be omitted from each interior, parallel lot line of the series. Each required bearing or length shall be shown in full and no ditto mark or other designation of repetition shall be used.

D. The arch length, radius and total central angle or bearings of terminal radii of each curve and the bearing of each radial line to each lot corner of each curve, or the central angle of each segment within each lot, shall be shown.

E. Centerline and Widths of Streets, Alleys, and Other Ways. The centerline, the total width, and the total fractional widths on each side of the centerline of each street, alley or other way shall appear on the map sheets. The bearing and length of each tangent and the radius, central angle and arc length of each curve shall also be shown on each centerline.

F. The map sheets shall also show the following widths and fractional widths or right-of-way when dedications are to be made on the map:

1. The total width dedicated prior to the recording of such map; and
2. The width of additional strips to be dedicated by such map.

G. Street Names. The approved names including the word "Avenue", "Street", "Place" or other approved street designation shall be shown on the map sheet. Such names and designations shall be shown in, or arrowed into, both the newly dedicated portion and any existing portion of the street. No numerals or abbreviations shall be used in delineating street names.

H. Rights-of-Way and Easements. All rights-of-way and easements which are a burden upon the land and lots within the division of land or reversion to acreage or which are required as a condition precedent to the filling

of the map shall be shown on the map sheets and shall conform to the following:

1. The centerline, sideline, width, and the length, bearing and sufficient ties thereto shall be shown, as necessary to definitely locate each right-of-way or easement. If the right-of-way or easement cannot be definitely located from the official records, a statement showing the existing of such right-of-way or easement shall be placed on the map.

2. All rights-of-way or easements shall be delineated by a fine dashed line, excepting where such rights-of-way or easements are lots or series of lots, they shall be shown as such in conformance with the provisions of this Title.

3. Distances, bearings, and all other indications of measurements on the lot lines which are crossed by rights-of-way or easements shall be arrowed or otherwise shown so as to clearly indicate the actual length, bearing or measurement, of each lot line.

4. The rights-of-way or easements shall be clearly labeled and identified and, if of record, the record reference shall be shown thereon.

5. Notes or figures pertaining to easements shall be subordinated in form and appearance to other notes or figures on the map sheets.

I. City Boundary Lines. City boundary lines crossing or abutting the division of land or reversion to acreage shall be clearly designated and tied.

J. Map Boundary Lines. The map boundary lines of the land included within the division of land or reversion to acreage shall be indicated by distinctive symbols and clearly so designated.

K. Evidence Determining Boundary. In all cases where a survey is required for a map, each map sheet shall show fully and clearly evidence where there may be found on the ground the stakes, monuments, and other evidence used to determine the boundaries of the division of land or reversion to acreage.

Each stake, monument or other object found shall be fully described and referenced and the method used to establish each point or line shall be clearly shown and explained on the map sheet. It shall also show and identify each adjacent corner or each adjoining parcel of land or portion thereof by lot and block number, number or name, and place of record, or by section, township, and range, or, where no such identifying data is available, by another approved designation sufficient to establish the relation with such adjoining parcels of land. In those cases where a parcel map is compiled from record data, the source of the information used shall be contained in a note on the map sheet. (Ord. 2533 § 1 (part), 2001)

16.16.050 Waiver of parcel map.

A. Pursuant to Section 66428 of the Map Act, the Planning Commission may waive the filing of a parcel map for the following:

1. Subdivision of a portion of the operating right-of-way of a railroad corporation defined as such by Section 230 of the Public Utilities Code, which are created by short term leases (terminable by either party on not more than thirty (30) days notice in writing); or

2. Land conveyed to or from a governmental agency, public entity, public utility, or for land conveyed to a subsidiary of a public utility for conveyance to such public utility for rights-of-way, unless a showing is made in individual cases, upon substantial evidence, that public policy necessitates such a parcel map; or

3. Construction of a condominium project on a single parcel of land.

B. However, a tentative map shall still be required, except where waived by the City Engineer and Planning Services Manager. (Ord. 2533 § 1 (part), 2001)

16.16.060 Waiver of signature—Parcel map.

The signatures of all parties having any record title interest in the real property being divided shall not be required on any parcel map unless dedications or offers of dedication are made by certificate on the parcel map. (Ord. 2533 § 1 (part), 2001)

16.16.070 Additional information.

Pursuant to Section 66434.2 of the Map Act, the City Engineer may require additional information to be filed or recorded simultaneously with the final map, parcel map or reversion to acreage map. The additional information shall be in the form of a separate document or an additional map sheet which shall indicate its relationship to the final map and shall contain a statement that the additional information is for information purposes, describing conditions as the date of filing, and is not intended to affect record title interest. (Ord. 2533 § 1 (part), 2001)

16.16.080 Approval of final map.

A. Review by City Engineer. The City Engineer shall review the final map and all improvement agreements, and the subdivider's engineer or surveyor shall make corrections and/or additions until the map is acceptable to the City Engineer. The City Engineer shall also ensure that all required certificates and statements have been signed and, where required, acknowledged. The City Engineer shall ensure that all other conditions of the tentative map approval have been met.

B. Prior to approval of the final map by the City Engineer, the subdivider shall provide sufficient evidence of compliance with the provisions of Chapter 4, Article 8, of the Map Act, with respect to required security for taxes and special assessments not yet payable.

C. The final map shall be deemed filed, for the purpose of establishing the time limit for action on the final map by the City Council, as of the date the final map is approved and executed by both the City Engineer and the Planning Services Manager and filed with the City Clerk.

D. Approval by City Council. Upon execution by the City Engineer and the Planning Services Manager, the final map, along with the Undertaking Agreement, shall be placed on the Council agenda for approval. The City Council shall consider the final map for approval within ten (10) days after filing with the City Clerk, or at its next regular meeting at which it receives the map, whichever is later. The City Council shall have approved the Undertaking Agreement before approving the final map.

E. If the Undertaking Agreement and final map are approved by the City Council, it shall instruct the Mayor to execute the agreement on behalf of the City. If the undertaking agreement and/or final map is unacceptable, the Council shall recommend corrections, instruct the City Engineer to draft a new agreement and/or revise the final map and defer approval until after an acceptable agreement and/or final map are resubmitted.

F. Offers of dedication shall be accepted, subject to improvement or rejected by the City Council, at the time of approval of the final map. The City Clerk shall certify or state on the map, the action of the City Council. The City Council may also designate an officer of the county to accept into the county road system, pursuant to Section 941 of the Streets and Highways Code, any road for which an offer of dedication has been accepted or accepted subject to improvements. Rejected offers shall remain open and shall terminate as specified in Section 66477.2 of the Map Act. Acceptance of offers of dedication on a final map shall not be effective until the final map is filed with the office of the County Recorder, or a resolution of acceptance by the City Council is filed with the County Recorder's office.

G. Denial by City Council. The City Council may deny approval of the final map as provided for in the Map Act.

H. Filing with the County Recorder. Upon approval of the final map by the City Council, the City Clerk shall execute the appropriate certificate on the certificate sheet and forward the map, or have an authorized agent forward the map to the Clerk of the County Board of Super-

visors for transmittal to the County Recorder. (Ord. 2533 § 1 (part), 2001)

16.16.090 Approval of parcel map.

A. Review by City Engineer. The provisions of Section 16.16.080 of this chapter shall apply.

B. Review by Planning Services Manager. The provisions of Section 16.16.080 of this chapter shall apply.

C. Approval/Denial by the Planning Commission. If dedications or offers of dedication are not required, the Planning Commission shall approve or deny the parcel map as provided for in the Map Act.

D. Approval/Denial by the City Council. If dedications or offers of dedication are required, the provisions of Section 16.16.080 of this chapter shall apply.

E. Filing with the County Recorder. Upon approval of the parcel map by the Planning Commission or City Council, the City Clerk shall execute the appropriate certificate on the certificate sheet and the subdivider(s) shall forward the map, or have an authorized agent forward the map to the County Recorder for recordation. (Ord. 2533 § 1 (part), 2001)

16.16.100 Approval of reversion to acreage map.

Reversion to Acreage Maps submitted for final approval prior to recordation, shall be subject to review and approval as specified above for final or Parcel Maps, as the case may be. In addition, except as provided in subdivision (e) of Section 66445 of the Map Act, a certificate shall accompany the parcel map, acknowledge by all parties having any record title interest in the land being reverted, consenting to the preparation and filing of the parcel map. The Planning Commission shall approve such requests, only upon making the following finding:

A. That the proposed division of land complies with all city requirements as to area, improvement and design, floodwater drainage control, appropriate improved public roads, sanitary disposal facilities, water supply availability, environmental protection, and all other applicable provisions of the city's general plan, zoning ordinance or other applicable ordinances and regulations. (Ord. 2533 § 1 (part), 2001)

16.16.110 Multiple final maps.

Pursuant to Section 66456.1 of the Map Act, multiple final maps may be filed prior to the expiration of the tentative map if:

A. The subdivider informs the city at the time of filing of the tentative map of his or her intention to file multiple final maps; or

B. After the filing of the tentative map, the subdivider and the city agree to the filing of multiple final maps. In providing such notice, the subdivider shall not be required to define the number or configuration of the proposed final maps. The city may impose reasonable conditions relating to the filing of multiple final maps. (Ord. 2533 § 1 (part), 2001)

Chapter 16.18**LOT LINE ADJUSTMENT****Sections:**

16.18.010	Definition.
16.18.020	Required map and information.
16.18.030	Fees.
16.18.040	Review and approval.
16.18.050	Filing with County Recorder.
16.18.060	Denial and appeal.

16.18.010 Definition.

A lot line adjustment pursuant to Section 66412(d) of the Subdivision Map Act is where the land, in total, taken from one parcel and added to an adjacent parcel, does not exceed fifty (50) percent of the gross area of the parcel from which it is taken and where the same number of parcels as originally existed are the resultant. (Ord. 2533 § 1 (part), 2001)

16.18.020 Required map and information.

When the owner or owners of contiguous properties desire to obtain approval of a boundary line adjustment, the original and three (3) copies of an eight and one-half (8 1/2) inch by eleven (11) inch map, prepared on vellum or drafting linen with a one-inch border, shall be prepared and submitted to the City Engineer and shall contain the following information:

- A. Name and address of owner(s) whose properties are shown on the map;
- B. North arrow;
- C. Scale of map;
- D. Date of preparation;
- E. Name, location and width of all streets and alleys abutting the property;
- F. Tract and lot identification, lot lines, bearings and dimensions of each of the two lots;
- G. Approximate location of existing improvements, buildings and permanent;
- H. Structures;
- I. Location and width of all easements upon or abutting the property;
- J. Location of the proposed lot boundary line adjustment, together with all
- K. Applicable dimensions and bearings;
- L. Signatures of all owners of lots involved in such boundary line adjustment; and
- M. A complete survey of both parcels involved. (Ord. 2533 § 1 (part), 2001)

16.18.030 Fees.

Fees shall be paid in accordance with Section 16.36.020 of this chapter. (Ord. 2533 § 1 (part), 2001)

16.18.040 Review and approval.

The City Engineer and Planning Services Manager shall review and approve a lot line adjustment map if the following conditions exist:

A. No street or alley dedication or subdivision improvement is necessary to properly service the properties involved in the proposed boundary adjustment;

B. The lots, as proposed by the boundary line adjustment, will conform in all respects to the provisions for minimum lot size established in Chapter 16.26.

C. The lots, as proposed by the boundary line adjustment, are in accordance with established neighborhood lot design patterns and do not violate any statute, ordinance, regulation or good planning practice. (Ord. 2533 § 1 (part), 2001)

16.18.050 Filing with County Recorder.

Upon approval of the lot line adjustment by the City Engineer and Planning Services Manager, the applicant shall cause to be filed record certificates of compliance, containing the descriptions of the parcel as they exist after adjustment pursuant to the applicable provisions of this title and the satisfaction of the City Engineer. (Ord. 2533 § 1 (part), 2001)

16.18.060 Denial and appeal.

If the City Engineer or Planning Services Manager denies a requested lot line adjustment, the applicant thereof shall be notified. Said notice shall be by United States mail, postage prepaid, addressed to the applicant at the last known address and shall contain reasons for denial. Within ten (10) days of receipt of notice of denial the applicant may appeal the decision to the Planning Commission. (Ord. 2533 § 1 (part), 2001)

Chapter 16.20

REVERSION TO ACREAGE AND PARCEL MERGER BY DOCUMENT ADJUSTMENTS

Sections:

16.20.010	General.
16.20.020	Initiation of proceedings.
16.20.030	Contents of petition.
16.20.040	Submittal of petition to the Planning Service Manager.
16.20.050	Approval by Planning Commission.
16.20.060	Filing with County Recorder.
16.20.070	Merging and resubdividing without reversion.
16.20.080	Merger without reversion application requirements.
16.20.090	Merger without reversion review and approval.
16.20.100	Merger without reversion filing with County Recorder.
16.20.110	Merger of contiguous parcel by document.
16.20.120	Merger by document application requirements.
16.20.130	Merger by document review and approval.
16.20.140	Merger by document filing with County Recorder.
16.20.150	Appeals of decision.

16.20.010 General.

Subdivided property may be reverted to acreage pursuant to provisions of this title and Chapter 6, Article 1 of the Map Act. (Ord. 2533 § 1 (part), 2001)

16.20.020 Initiation of proceedings.

Proceedings for reversion to acreage may be initiated by the Planning Commission on its own motion or by petition of all of the owners of record of real property within the subdivision. (Ord. 2533 § 1 (part), 2001)

16.20.030 Contents of petition.

The petition shall be accompanied by the following:

A. Evidence of title to the real property within the subdivision.

B. A statement of the reasons for the proposed merger.

C. Form and contents of such maps shall be specified for a final or parcel map, pursuant to Chapter 16.16 of this title.

D. Other pertinent information as deemed necessary by the City Engineer and Planning Services Manager.

E. The required filing fee, in accordance with the fees and charges pursuant to Section 16.36.020 of this title. (Ord. 2533 § 1 (part), 2001)

16.20.040 Submittal of petition to the Planning Service Manager.

A. The final map or parcel map for the revision, together with all other data as required by this chapter shall be submitted to the Planning Services Manager for review.

B. Upon finding that the petition meets with all the requirements of this title and the Map Act, the Planning Services Manager shall submit the final map or parcel map, together with a report and recommendations of approval, conditional approval, or denial of the reversion to acreage, to the Planning Commission for their consideration. (Ord. 2533 § 1 (part), 2001)

16.20.050 Approval by Planning Commission.

A. A public hearing shall be held by the Planning Commission on all petitions for initiation for reversions to acreage. Notice of the public hearing shall be given as provided in Section 16.10.080 of this chapter and Section 66451.3 of the Map Act. The Planning Services Manager may give such other notice deemed necessary or advisable.

B. The Planning Commission may approve a reversion to acreage only if it finds and records by resolution that the provisions of Section 66499.16 of the Map Act have been satisfied.

C. The Planning Commission shall require those conditions of reversion specified in Section 66499.17 of the Map Act. (Ord. 2533 § 1 (part), 2001)

16.20.060 Filing with County Recorder.

A. Following approval of a reversion to acreage by the Planning Commission, the petitioner(s) shall be responsible for submitting the final or parcel map, prepared in accordance with Chapter 16.16 of this title to the Los Angeles County Recorder for recordation.

B. The reversion shall be effective only after recordation of the final or parcel map pursuant to Section 66499.18 of the Map Act. (Ord. 2533 § 1 (part), 2001)

16.20.070 Merging and resubdividing without reversion.

A. Pursuant to Section 66499.20 1/2 of the Map Act, subdivided lands may be merged and resubdivided without reverting to acreage. Such merging and resubdividing may be accomplished upon completion of all standard

requirements for approval of tentative and final maps or parcel maps, as stated herein.

B. Any unused fees or deposits previously made pursuant to a request for merger and resubdivision pertaining to the property shall be credited pro rata towards any requirements for the same purposes which are applicable at the time of filing a new request. (Ord. 2533 § 1 (part), 2001)

16.20.080 Merger without reversion application requirements.

Requests for merger and resubdivision as defined above, must be submitted to the City Engineer and shall include the following:

- A. Evidence of title to the real property involved.
- B. A statement of the reasons for the proposed merger.
- C. A tentative tract or tentative parcel map, unless certain information requirements are waived by the City Engineer.
- D. Any other information deemed necessary by the City Engineer or the Planning Services Manager.
- E. The required filing fee, in accordance with the fees and charges pursuant to Section 16.36.020 of this title. (Ord. 2533 § 1 (part), 2001)

16.20.090 Merger without reversion review and approval.

Requests for merger and resubdivision, as defined above, shall be reviewed by the Planning Commission in the same manner as prescribed for a tentative tract or parcel map as stated herein. (Ord. 2533 § 1 (part), 2001)

16.20.100 Merger without reversion filing with County Recorder.

Following approval, the owner or his or her authorized representative shall file a certificate of compliance, approved by the City Engineer as to form and content, evidencing the merger, with the Los Angeles County Recorder. (Ord. 2533 § 1 (part), 2001)

16.20.110 Merger of contiguous parcel by document.

A. Pursuant to Section 66499.20 3/4 of the Map Act, the owner of contiguous parcels may request a merger of the parcels, without reverting to acreage, to be recorded by a document approved by the City Engineer as to form and content properly describing the merged parcels.

B. Prior to approval of a merger by document each parcel to be merged shall conform to the current minimum lot standards (Ord. 2533 § 1 (part), 2001)

16.20.120 Merger by document application requirements.

Applications for requests as defined above must be submitted to the City Engineer and shall include the following:

- A. Adequate evidence of title to the real property involved.
- B. A statement of the reasons for the proposed merger.
- C. The information required for a parcel map, as specified in Chapter 16.12 of this title, unless certain information requirements are waived by the City Engineer.
- D. Any other information deemed necessary by the City Engineer or Planning Services Manager.
- E. The required filing fee, as established pursuant to Section 16.36.020 of this title. (Ord. 2533 § 1 (part), 2001)

16.20.130 Merger by document review and approval.

Requests for merger by document, as defined above, shall be reviewed and approved by the City Engineer and the Planning Services Manager. (Ord. 2533 § 1 (part), 2001)

16.20.140 Merger by document filing with County Recorder.

Following approval, the owner or an authorized representative shall file a certificate of compliance, approved by the City Engineer as to form and content, evidencing the merger, with the Los Angeles County Recorder. (Ord. 2533 § 1 (part), 2001)

16.20.150 Appeals of decision.

The owner of the affected parcels or any other directly affected party may file a written appeal of the City Engineer, Planning Services Manager, or Planning Commission action, to the appropriate body within ten (10) days of receipt of the decision. The appeal procedure shall be as specified in this title. (Ord. 2533 § 1 (part), 2001)

Chapter 16.22**CERTIFICATE OF COMPLIANCE****Sections:**

16.22.010	Request.
16.22.020	Determination.
16.22.030	Recordation.

16.22.010 Request.

Pursuant to Section 66499.35 of the Map Act, any person owning real property or a vendee of such person pursuant to a contract of sale may request the issuance of a certificate of compliance, stating that such real property (or any division thereof) complies with the provisions of the Subdivision Map Act and this title. Such request shall be filed with the City Engineer upon such forms, and accompanied by a fee in accordance with Section 16.36.020 of this title, and such information as may be prescribed by the City Engineer. (Ord. 2533 § 1 (part), 2001)

16.22.020 Determination.

A. Based upon the criteria set forth in Section 66499.35 of the Map Act, the City Engineer shall approve, conditionally approve or deny a request for a certificate of compliance.

B. The determination of the City Engineer may be appealed by the applicant to the Planning Commission, within ten days of the determination by the City Engineer. Such appeals shall be in writing and accompanied by the standard appeal fee in accordance with Section 16.36.020 of this title. (Ord. 2533 § 1 (part), 2001)

16.22.030 Recordation.

The certificate of compliance shall be filed with the County Recorder pursuant to the Map Act. (Ord. 2533 § 1 (part), 2001)

Chapter 16.24

CONDOMINIUM CONVERSION

Sections:

16.24.010	General.
16.24.020	Notice to existing tenants.
16.24.030	Notice of prospective tenants.
16.24.040	Reports required.
16.24.050	Improvements required.
16.24.060	Exceptions.

16.24.010 General.

The requirements and procedures for tentative and parcel maps and final maps (Chapters 16.10, 16.12 and 16.16 of this title) regarding map format, contents, review and approval, shall apply to conversions of existing rental housing to condominiums, community apartments, stock cooperative and any other subdivision which is a conversion of existing rental housing. (Ord. 2533 § 1 (part), 2001)

16.24.020 Notice to existing tenants.

Notice shall be provided in the manner required in Chapters 16.10 or 16.12 of this title. An additional notice shall be given to all tenants one hundred eighty (180) days prior to the filing of the tentative or parcel map, in the manner prescribed in 66452.9 (b) of the Map Act. Copies of the actual notice shall also be submitted to the city at the time of filing of the map. (Ord. 2533 § 1 (part), 2001)

16.24.030 Notice of prospective tenants.

Upon serving notice to the tenants as required in Section 16.24.020, the subdivider or their agent shall also provide written notice as required in 66452.8 (b) of the Map Act to prospective tenants prior to acceptance of any rent or deposit. Failure to provide the required notice shall subject the subdivider to the following:

A. Actual moving expenses incurred by the tenant when moving to and from the subject property.

B. The first's month rent on the tenant's new rental unit, if any, immediately after moving from the subject property.

C. Cash payment in an amount equal to the above can also be made subject to the tenants concurrence. (Ord. 2533 § 1 (part), 2001)

16.24.040 Reports required.

A. The applicant shall submit a property report describing the age and condition of each of the following elements of each structure situated within the project

proposed for conversion: foundations, exterior walls, fire walls, roof, stairways and exits, interior insulation (sound and thermal), heating and air conditioning, fire and earthquake safety provisions, security provisions, interior common or public areas, landscaping and trash control. Such report shall be prepared by an appropriately licensed civil engineer or an architect registered in California, and shall contain recommendations for the correction or improvement of any deficiencies noted.

B. The applicant shall submit a structural pest report. Such report shall be prepared by a licensed structural pest control operator pursuant to Section 8516 of the Business and Professions Code, relating to written reports on the absence or presence of wood-destroying pests or organisms. (Ord. 2533 § 1 (part), 2001)

16.24.050 Improvements required.

All residences proposed for conversion to a condominium, community apartment or stock cooperative shall comply with the following requirements:

A. All current zoning and development requirements of Title 17 of this code.

B. Wall and floor-ceiling assemblies shall conform to the sound insulation performance criteria promulgated in Uniform Building Code, 1997 Edition, or its successor, and Regulations Establishing Energy Conservation Standards promulgated by the California Energy Commission.

C. The consumption of gas and electricity within each dwelling unit shall be separately metered. A water shut-off valve shall be provided for each unit. Each dwelling unit shall have a separate hot water heater.

D. All ovens, ranges, dishwashers, garbage disposals, hot water heaters, heating and air-conditioning shall be in good working order and the developer shall provide a one year warranty for each item.

E. Approval of a certificate of occupancy shall be required for any such conversion. Upon receipt of an application for a certificate of occupancy, the Building Official shall cause an inspection to be made of all buildings and structures in the proposed condominium, community apartment project or stock cooperative. The Building Official shall prepare an inspection report identifying all items not in conformance with the current city building, electrical, mechanical, and plumbing codes, and any additional equipment and facilities the building official determines to be deteriorated or hazardous. The developer shall repair, replace or add any equipment or facilities determined to be in violation of any such city codes or to be deteriorated or hazardous.

F. The applicant shall provide a schedule of proposed improvements which shall be made to the project

prior to the sale of any of the units. (Ord. 2533 § 1 (part), 2001)

16.24.060 Exceptions.

Recognizing that condominium conversions present unique problems with respect to meeting current requirements, the Planning Commission may recommend, and the City Council may grant, exceptions to Section 16.24.050 with regard to a particular conversion proposal upon finding that the exception will not contravene the intent and purpose of this division. (Ord. 2533 § 1 (part), 2001)

Division 3. Design, Standards, Improvements and Security

Chapter 16.26

DESIGN STANDARDS

Sections:

16.26.010	Compliance required.
16.26.020	Design standards.

16.26.010 Compliance required.

A. The standards and requirements specified in this title shall apply to all final maps.

B. The requirements applicable to a parcel map, parcel map waiver, lot line adjustment, conditional certificate of compliance and parcel merger, shall be limited to the dedication of rights-of-way, easements and the construction of reasonable off-site and on-site improvements for the parcel being created. (Ord. 2533 § 1 (part), 2001)

16.26.020 Design standards.

A. Streets and Highways. Street right-of-way, alignment and design specifications shall conform to the standards set by the City Engineer and Director of Public Works.

B. Alleys. Alley alignment and design specifications shall conform to the standards set by the City Engineer, in accordance with the adopted studies, or other standards adopted by the City Council. In the event that standards have not been adopted, the Director of Public Works shall establish the standards which decision may be appealed to the City Council.

C. Traffic Control and Safety Devices. The subdivider shall install all required traffic control and safety devices, in accordance with the standards and recommendations of the City Engineer, the Director of Public Works and Ordinance Number 2297.

D. City Blocks. Blocks shall be two (2) lots deep and not less than two hundred (200) feet in depth, measured from the frontage on one street to the frontage on the closest parallel street. Where lots back up to a street or highway and where it is intended that there shall be no access from said lot to the street or highway against which they back, a six (6) foot high masonry wall shall be erected in accordance with the standards of the City Engineer on the rear property line as a physical separation between the lot and the street or highway.

E. Super Blocks. Super blocks may be submitted to the Commission for approval when such blocks propose special design features which will provide for greater amenities than those set forth in the minimum standard

provisions of this title and where no hardship is wrought on the community as a whole by the approval of such super block plans.

F. Walkways. The subdivider may be required to dedicate and improve walkways to standards prescribed by the Planning Commission across blocks greater than nine hundred (900) feet in length, in order to provide more convenient access to school, park or other public arm.

G. Lots. Minimum frontage and depth. All lots, except those in a Planned Residential Development, shall have a minimum frontage of sixty (60) feet, on a dedicated public street, and a minimum depth of one hundred (100) feet and shall in all ways conform to the standards established in Title 17, (Zoning Regulations) of this code.

H. Minimum Area—Residentially Zoned Lots. All residentially zoned lots, except those in a planned development, shall have a minimum area of six thousand (6,000) square feet. Easements over any such lot for public utility purposes shall not be considered as a reduction from the required lot area; provided, however, that said easements shall not cover more than one-sixth of the total area of such lot.

I. Minimum Area—Commercially Zoned Lots. All commercially zoned lots shall have a minimum area of thirty thousand (30,000) square feet with a frontage of one hundred fifty (150) feet and a depth of two hundred (200) feet.

J. Minimum Area—Industrially Zoned Lots. All industrially zoned lots shall have a minimum area of forty thousand (40,000) square feet with a frontage of two hundred (200) feet and a depth of two hundred (200) feet.

K. Determining Block Face to be Considered Frontage. On major traffic, collector and local streets, all lots shall front upon the street that parallels the long dimension of the block. In the case of square blocks, the commission shall determine on the basis of the exiting uses which block face shall be considered as frontage.

L. Flag Lots. Flag lots are prohibited.

M. Double Frontage. Double frontage lots are prohibited.

N. Side Lot Lines. Side lot lines of rectangular lots shall be as nearly perpendicular to the centerline of the street upon which the lot fronts as is practical; side lot lines of lots fronting on curved streets shall be as nearly radial as is practical.

O. Exceptions. In cases where more than fifty (50) percent of the frontage on the same side of the street between intersecting streets is already subdivided into lots, which lots are already built upon, the Commission may approve the predominant width of the existing lots in this frontage as the minimum standard; provided,

however, that in no case shall the Commission approve the creation of any lot with an average width less than forty-five (45) feet and with less than thirty-five (35) feet of frontage on a dedicated street.

P. Corner lots shall be at least ten (10) percent wider than the minimum requirements for interior lots in any zone, in order to maintain required building lines on both side and front streets. (Ord. 2533 § 1 (part), 2001)

Chapter 16.28

SUBDIVISION IMPROVEMENTS

Sections:

16.28.010	General requirements.
16.28.020	Streets.
16.28.030	Underground utilities.
16.28.040	Structures.
16.28.050	Curbs and gutters, storm drains and culverts.
16.28.060	Sidewalks.
16.28.070	Grade of lots.
16.28.080	Sewers.
16.28.090	Drainage.
16.28.100	Water.
16.28.110	Telephone and electrical services.
16.28.120	Removal and/or relocation of utility facilities.
16.28.130	Gas.
16.28.140	Street trees.
16.28.150	Planting of cut and fill slopes.
16.28.160	Street name signs.
16.28.170	Street lighting.
16.28.180	Railroad crossings.
16.28.190	Safety devices.
16.28.200	Demolition, moving, altering or conversion.
16.28.210	Supplemental size of improvements.
16.28.220	Other improvements.
16.28.230	Designated remainder parcel improvements.

16.28.010 General requirements.

A. The dedication, completion and/or upgrading of all abutting and/or affected public rights-of-way and on- and off-site public improvements shall be required as a condition of all proposed developments.

B. The entire contiguous property ownership on which the proposed development is placed shall be considered unless there is a defined and definite separation and change in land use.

C. The subdivider shall make all public improvements required in this or any other chapter, prior to approval of final, parcel, or reversion to acreage maps; lot line adjustments; or conditional certificates of compliance; except when an undertaking agreement has been approved pursuant to Section 16.32.010 of this title.

D. Improvement work shall not be commenced until plans and specification therefor, prepared in accordance with approved standards, have been submitted to and

approved by the City Engineer. Plans and specifications shall be required prior to approval of the final map and shall become the property of the city.

E. Pursuant to Section 66456.2 of the Map Act, the city shall review and act upon improvement plans within sixty (60) working days of its submittal, except that at least fifteen (15) working days shall be provided for processing any resubmitted improvement plan. The sixty (60) working-day period shall not include any days during which the improvement plan has been returned to the applicant for correction, has been subject to review by agencies other than the city or, following that review, has been returned to the applicant for correction. These time limits may be extended by mutual consent of the subdivider and the City Engineer.

F. The city may also contract with other private entities or persons to review the improvement plans, if it determines that it is unable to meet the above-specified time limits. The city may charge the subdivider for all costs directly attributable to employing or contracting with other entities to perform the improvement plan checking services.

G. All required improvements shall be constructed to permanent line and grade under the inspection of and to the satisfaction of the City Engineer. The number and classification of inspectors and engineers necessary to adequately inspect and control the various phases of the work shall be determined by the City Engineer. The City Engineer shall keep a complete record of all inspections, laboratory, supervision and appurtenant costs which shall include overhead. The City Clerk shall submit monthly to the subdivider a detailed statement of such costs. The subdivider shall pay all such costs within fifteen days after receipt of such detailed statement. The work will not be accepted by the city until all such costs have been paid. The subdivider shall agree to pay for all such costs.

H. The subdivider shall provide all necessary field engineering for the purpose of establishing lines and trades during installation of all required improvements.

I. The subdivider shall provide all monuments, ties, calculations, notes and other survey data required by Chapter 16.30 prior to approval of the final map, except as otherwise provided in Chapter 16.32. (Ord. 2533 § 1 (part), 2001)

16.28.020 Streets.

All streets, highways, ways and alleys shall be graded and paved to widths, grades, and structural sections, as approved by the City Engineer. The subdivider shall improve the extension of all subdivision streets, highways, ways or alleys to the intercepting paving line of

any city street or alley, country road or state highway. (Ord. 2533 § 1 (part), 2001)

16.28.030 Underground utilities.

All underground utilities, both public and private, sanitary sewers, and storm drains installed in streets, service roads, alleys or highways shall be constructed prior to the surfacing of such streets, service roads, alleys, or highways. Connections for all underground utilities and sanitary sewers shall be laid to such lengths as will obviate the necessity of disturbing the street or alley improvements when service connections thereto are made. (Ord. 2533 § 1 (part), 2001)

16.28.040 Structures.

Structures shall be installed as deemed necessary by the City Engineer, for drainage, access, and/or public safety. Such structures shall be placed to grades and shall be of a design approved by the City Engineer. (Ord. 2533 § 1 (part), 2001)

16.28.050 Curbs and gutters, storm drains and culverts.

Curbs and gutters, storm drains and culverts shall be installed to the specifications of the City Engineer. (Ord. 2533 § 1 (part), 2001)

16.28.060 Sidewalks.

Sidewalks shall be installed to grades and widths approved by the City Engineer provided that exceptions to this provision may be granted by the City Engineer where topographical conditions make the installation of sidewalks impractical. (Ord. 2533 § 1 (part), 2001)

16.28.070 Grade of lots.

Lots shall be graded as required and approved by the City Engineer. (Ord. 2533 § 1 (part), 2001)

16.28.080 Sewers.

Sanitary sewer facilities connecting with the existing city sewer system shall be installed to serve each lot in a land subdivision and each unit in a condominium project subdivision or community apartment project subdivision in accordance with the standards of the City Engineer. (Ord. 2533 § 1 (part), 2001)

16.28.090 Drainage.

Adequate provision for drainage shall be made and storm drains and facilities shall be installed to grade and sizes approved by the City Engineer. (Ord. 2533 § 1 (part), 2001)

16.28.100 Water.

Water mains and fire hydrants, connecting to the public water system serving the city, shall be installed as required by the City Engineer and shall be approved by the designated agent of the Los Angeles County Fire Department. (Ord. 2533 § 1 (part), 2001)

16.28.110 Telephone and electrical services.

A. Utility lines, including but not limited to electric, communications, and cable television, shall be required to be placed underground. Appurtenances and associated equipment such as, but not limited to surface-mounted terminal boxes and meter cabinets and concealed ducts in an underground system, may be placed above ground. The City Engineer or Planning Services Manager may recommend to the Planning Commission or City Council may waive the requirements of this section of topographical, soil, or any other conditions make such underground installation unreasonable or impractical. This section shall not apply, to overhead lines of a continuous lead crossing or abutting any portion of the subdivision boundaries, or to any other overhead lines which do not provide service to the area being subdivided or developed.

B. The developer or subdivider shall reimburse the telephone corporation or cable television system for all costs incurred by such entities for replacement, underground or relocation of such facilities, caused by construction of the subdivision improvements, as specified in Section 66473.6 of the Map Act. (Ord. 2533 § 1 (part), 2001)

16.28.120 Removal and/or relocation of utility facilities.

When the approval of private property developments requires the improvement of public streets and such street improvements will result in the removal and/or relocation of facilities including, but not limited to electric, gas, water or telephone lines, the land developer shall bear the cost of such removal or relocating of facilities and otherwise meet the requirements of the serving utilities. Prior to the final approval of the development plans, the owner/developer shall provide the city's Department of Public Works with a letter of compliance from the servicing utility. (Ord. 2533 § 1 (part), 2001)

16.28.130 Gas.

Gas facilities connecting to gas mains serving the city shall be provided in a manner deemed appropriate by the City Engineer. (Ord. 2533 § 1 (part), 2001)

16.28.140 Street trees.

Street trees shall be installed per the type and size shown on the El Monte tree planting plan and planted in locations approved by the City Engineer. (Ord. 2533 § 1 (part), 2001)

16.28.150 Planting of cut and fill slopes.

Wherever land has been cut or filled as part of the development of hillside areas, slopes exceeding a grade of one foot in the vertical direction to three feet in the horizontal direction (3:1 slope) or which exceed three feet in height, shall be planted with approved landscape material and maintained for purposes of retaining the slope from erosion or movement. (Ord. 2533 § 1 (part), 2001)

16.28.160 Street name signs.

Street name signs shall be installed in accordance with the standards of the city. Street names shall be provided by the city. In the case of private streets, there shall be installed at or near the entrance of each intersection of a private street with a dedicated public street, a sign posted to which is attached a sign having a minimum size of two (2) feet by three (3) feet, upon which is printed clearly and legibly in at least two and one-half (2 1/2) inch high letters the following:

(NAME OF STREET)

PRIVATE STREET

NOT DEDICATED FOR PUBLIC USE
(Ord. 2533 § 1 (part), 2001)

16.28.170 Street lighting.

Street lighting shall be required and shall be provided for by the subdivider. The street lighting system shall consist of a city-owned underground system. The installation of a street lighting system shall be in accordance with the standards and specifications of the city. (Ord. 2533 § 1 (part), 2001)

16.28.180 Railroad crossings.

Provision shall be made for any and all railroad crossings necessary to provide access to or circulation within the proposed subdivision, including the preparation of all documents necessary for application to the State of California Public Utilities Commission for the establishment and improvement of the crossings. The subdivider may be required to bear the full cost of the crossing improvement. (Ord. 2533 § 1 (part), 2001)

16.28.190 Safety devices.

Safety devices such as traffic islands, street signs, reflectors, traffic signals and safety lighting shall be installed where deemed necessary by the City Engineer. (Ord. 2533 § 1 (part), 2001)

16.28.200 Demolition, moving, altering or conversion.

The subdivider shall perform all work required by the Commission and/or City Council in connection with the demolition, moving, alerting or conversion of any structure or facility either wholly or partially within the subdivision or affected thereby. (Ord. 2533 § 1 (part), 2001)

16.28.210 Supplemental size of improvements.

The city may require that improvements installed by the subdivider for the benefit of the subdivision shall contain supplemental size, capacity, length, or number for the benefit of property not within the subdivision, and that such improvement be dedicated to the public, and the subdivider shall be reimbursed for the supplemental costs, pursuant to Sections 66485, 66486, and 66487 of the Subdivision Map Act. (Ord. 2533 § 1 (part), 2001)

16.28.220 Other improvements.

The subdivider shall make such other improvements where deemed necessary by the Commission and/or Council, for the public health, safety or welfare. (Ord. 2533 § 1 (part), 2001)

16.28.230 Designated remainder parcel improvements.

The subdivider or developer shall not be required to provide required improvements for a designated remainder parcel, except as specified in Section 66424.6 of the Map Act. (Ord. 2533 § 1 (part), 2001)

Chapter 16.30

SURVEY AND MONUMENTS

Sections:

16.30.010	Survey procedures.
16.30.020	Durable monuments required.
16.30.030	Subdivision boundaries.
16.30.040	Parcel/lot corners.
16.30.050	Street centerline.
16.30.060	Notification of set monuments.

16.30.010 Survey procedures.

The procedures and practices for all survey work done in conjunction with the preparation of the map shall conform to the provisions of Chapter 15 of the Business and Professions Code (the Land Surveyor's Act of the State of California), and shall have an allowable error of closure on any portion thereof not to exceed 1/10,000. (Ord. 2533 § 1 (part), 2001)

16.30.020 Durable monuments required.

Pursuant to Section 66495 of the Map Act, durable monuments shall be set at the time of making the survey for the final map or parcel map. Such monuments shall be two (2) inches by two (2) inches O.P. & T. (Ord. 2533 § 1 (part), 2001)

16.30.030 Subdivision boundaries.

Durable monuments shall be set at all angle and curve points on the exterior boundary of subdivisions, and at points not more than one thousand (1,000) feet apart in cases where exterior boundaries between any two (2) angle or curve points exceed said distance. Monuments shall be set as follows:

A. All monuments shall be tagged or marked with the registration or license number of the engineer or surveyor who signed the map.

B. A boundary monument shall not be less substantial than an iron pipe of a two (2) inch outside diameter, not less than thirty (30) inches in length, with the concrete plug and tag, and set no higher than flush with the surface of the ground — two (2) inches I.P. & T. If the tag is not secured by the concrete, a brass tack shall secure the tag. In areas subject to dishing, pipes must be set no less than six (6) feet deep, and in areas subject to commercial cultivation, no less than twelve (12) inches deep.

C. Acceptable substitute monuments are:

1. A lead, brass tack and tag set in concrete — L.T. & T.;

2. A six (6) inch spike, stamped washer and tin set in A.C. — S.W. & T.;

3. Any other substitutes shall be approved in writing by the City Engineer before setting;

4. State depth of all two (2) inch I.P. & T.'s set on the map or use a depth of monument note. (Ord. 2533 § 1 (part), 2001)

16.30.040 Parcel/lot corners.

A durable monument shall be set at each angle and curve point in the boundary of each lot, which portion is not covered in Section 16.30.030. Monuments shall be set as follows:

A. All monuments shall be tagged or marked with the registration or license number of the engineer or surveyor who signed the map.

B. Each monument shall not be less substantial than a one inch I.P., eighteen (18) feet long set as described under Section 16.30.020. (Ord. 2533 § 1 (part), 2001)

16.30.050 Street centerline.

A. Centerline monument shall be placed at the following locations:

1. All points of intersection with the centerline of other streets or alleys;

2. All points of beginning and end of curves, or at the points of intersection of tangents or semi-tangents of curves;

3. All points of intersection with the subdivision boundary except where said subdivision boundary is a street sideline. In cases where a street terminates at the subdivision boundary and is planned for future extension, the terminal centerline monument shall be set on an offset no less than three (3) feet and no greater than five (5) feet along the centerline inside the subdivision boundary;

4. All angle points.

B. All monuments shall be tagged or marked with the registration or license number of the engineer or surveyor who signed the map.

C. Each centerline monument shall be not less durable than:

1. A six (6) inch monument spike, marked washer and tin in A.C.;

2. A lead, brass tack and tag in concrete or cement concrete;

3. An iron pipe of a two (2) inch outside diameter, not less than thirty (30) inches in length, with concrete plug and tag no less than six (6) inches deep in unimproved, gaveled or oiled surface. If the tag is not secured by the concrete, a brass tack shall secure the tag;

4. Any substitute monument shall be approved in writing by the City Engineer before setting.

D. Centerline Ties.

1. If the intersection is improved with concrete curbs, set four L. & T.'s (using brass tacks) as tangent ties on curbs;

2. If the intersection is not improved with concrete curbs, set four (4) tangent ties, no less than four (4) feet from the centerline monument.

a. If the ties fall on the pavement, they shall be set approximately two feet from the edge of pavement.

b. If in A.C., use six (6) inch monument spikes and tins.

c. If in concrete, use brass tacks set in lead.

d. If the ties must be set off of the pavement, use iron pipes of a two (2) inch outside diameter, thirty (30) inches in length, with concrete plugs and brass tacks, set in natural ground no closer than two feet from the edge of pavement, and no less than six (6) inches deep;

3. Any substitute centerline tie should be approved in writing by the City Engineer before setting;

4. If it is impractical to set tangent ties, the City Engineer may approve, in writing, deviation from tangent ties;

5. Notes showing centerline ties are to be filed in the office of the City Engineer after inspection. (Ord. 2533 § 1 (part), 2001)

16.30.060 Notification of set monuments.

Pursuant to Section 66497 of the Map Act, within five (5) days after the final setting of all monuments. The engineer or surveyor shall provide written notice to the subdivider and to the City Engineer that the final monuments have been set. The written notice shall contain information on the number and location of the monument set. The notice shall be signed by the engineer and surveyor and shall bear his/her stamp. This document shall be recorded. All monuments shall be set prior to obtaining a grading and building permit. If the applicant wishes to delay the establishment of the monument a five hundred dollar (\$500.00) deposit per monument shall be provided to the city. (Ord. 2533 § 1 (part), 2001)

Chapter 16.32

IMPROVEMENT SECURITY

Sections:

16.32.010	Undertaking agreement.
16.32.020	Supplemental improvement reimbursement agreement.
16.32.030	Improvement security.
16.32.040	Amount of security.
16.32.050	Reduction in performance security.
16.32.060	Release of improvement securities.
16.32.070	Forfeiture.
16.32.080	Default in infrastructure bonds due to initiative.
16.32.090	Acceptance of improvements.

16.32.010 Undertaking agreement.

Any act or obligation (improvement) required as a condition of approval of a final or parcel map, reversion to acreage map, a parcel map waiver, parcel merger, lot line adjustment or a conditional certificate of compliance, which has not been completed prior to final approval, shall be guaranteed by an undertaking agreement, between the subdivider and the city, which satisfies the requirements of Section 66462 of the Map Act. The form of the undertaking agreement shall be approved by the City Attorney prior to consideration by the City Council, Planning Commission or City Engineer. (Ord. 2533 § 1 (part), 2001)

16.32.020 Supplemental improvement reimbursement agreement.

Where the subdivider is required to install supplemental improvements pursuant to Section 16.28.220 herein, the city shall enter into an agreement to reimburse the subdivider pursuant to Section 66486 of the Subdivision Map Act. (Ord. 2533 § 1 (part), 2001)

16.32.030 Improvement security.

A. Any liability upon the security given for the faithful performance of any act or agreement shall be limited, as specified in Section 66499.9 of the Map Act.

B. Pursuant to Section 66499, 66499.1 and 66499.2 of the Map Act, improvement securities shall be required to be posted by the subdivider as a guarantee of the performance of any act, improvement, or obligation required as a condition of approval of any final or parcel map, parcel map waiver, lot line adjustment, conditional certificate of compliance, or parcel merger. All such

improvement securities shall be provided in a form subject to the approval of the City Engineer and the City Attorney. (Ord. 2533 § 1 (part), 2001)

16.32.040 Amount of security.

Security to guarantee the performance of any act or agreement shall be in the following amounts, pursuant to Section 66499.3 of the Subdivision Map Act:

A. An amount determined by the City Engineer equal to one hundred (100) percent of the total estimated cost of the improvement or of the act to be performed, conditioned upon the faithful performance of the act or agreement. The total estimated cost of the improvement shall provide for increase or projected inflation computed to the estimated midpoint of construction.

B. An additional amount determined by the City Engineer equal to fifty (50) percent of the total estimated cost of the improvement, or the performance of the required act, securing payment to the contractor, his subcontractors, and to persons furnishing labor, materials, or equipment to them for the improvement of the performance of the required act.

C. An additional amount equal to ten (10) percent of the estimated cost of the improvements for the guarantee and warranty of the work for a period of one year following the completion and acceptance thereof against any defective work or labor done, or defective materials furnished.

D. Required security for subdividers who are California nonprofit corporations, funded by the United States of America or one of its agencies, or funded by the state or one of its agencies, shall be established in accordance with Section 66499.3 of the Map Act. (Ord. 2533 § 1 (part), 2001)

16.32.050 Reduction in performance security.

The City Engineer may authorize, in writing, the release of a portion of the security in conjunction with the acceptance of the satisfactory completion of a part of the improvements as the work progresses, upon application by the subdivider, but in no case shall the security be reduced to less than fifty (50) percent of the total improvement security given for faithful performance. The amount of reduction of the security shall be as determined by the City Engineer; however, in no event shall the City Engineer authorize a release of the improvement security which would reduce such security to an amount below that required to guarantee the completion of the improvements and any other obligation imposed by this title, the Map Act, or the improvement agreement. (Ord. 2533 § 1 (part), 2001)

16.32.060 Release of improvement securities.

A. Performance Security. The performance security shall be released only following acceptance of the improvement by the city and when an approved warranty security has been filed with the city.

B. Material, Labor and Equipment Security. Any security for the payment to the contractor, subcontractors and to persons furnishing labor, materials or equipment shall, after passage of the time within which claims of lien are required to be recorded pursuant to Article 3 (commencing with Section 3114) of Chapter 2 of Title 15 of Part 4 of Division 3 of the Civil Code and after acceptance of the work, by the City Council, be reduced to an amount equal to the total claimed by all claimants for whom claims of lien have been recorded and notice thereof given in writing to the legislative body, and if no such claims have been recorded, the security shall be released in full.

The release shall not apply to any required guarantee and warranty period required by Section 66499.9 for the Map Act for the guarantee or warranty nor to the amount of the security deemed necessary by the local agency for such guarantee and warranty period nor to costs and reasonable expenses and fees, including reasonable attorneys fees. (Ord. 2533 § 1 (part), 2001)

16.32.070 Forfeiture.

In addition to any other remedy provided by law, upon the failure of the subdivider to complete any improvement, acts, or obligations within the time specified in the improvement agreement, or upon failure of the subdivider to faithfully comply with the terms and provisions of this chapter or any improvement security given thereby, the City Council may, upon notice in writing of not less than ten (10) days served upon the person responsible for the performance thereof or upon notice in writing of not less than twenty (20) days, served by registered mail addressed to the last known address of such person, determine that the foregoing have not been complied with or said work has not been completed, and may cause to be forfeited to the city such portion of said improvement security given for the performance of the foregoing. (Ord. 2533 § 1 (part), 2001)

16.32.080 Default in infrastructure bonds due to initiative.

A. If the City Council finds, based upon substantial evidence in the record, that any project for which a tentative map, parcel map or a vesting tentative map has been approved will be affected by a previously enacted initiative measure to the extent that there is likely to be a default on land-secured bonds issued to finance infra-

structure on the project, the City Council shall allow that portion of the project served by the infrastructure to proceed in a manner consistent with the approved tentative map or vesting tentative map.

B. For purposes of this division, land-secured bond means any bond issued pursuant to the Improvement Act of 1911 (Division 7 [commencing with Section 5000] of the Streets and Highways Code), the Municipal Improvement Act of 1913 (Division 12 [commencing with Section 10000] of the Streets and Highways Code), the Improvement Bond Act of 1915 (Division 10 [commencing with Section 85001 of the Streets and Highways Code), or the Mello-Roos Community Facilities Act of 1982 (Chapter 2.5 [commencing with Section 53311] of Part I of Division 2 of Title 5, so long as the bond was issued and sold at least ninety (90) days before the proposed initiative was adopted by either popular vote at an election or by ordinance adopted by the legislative body.

C. Notwithstanding subsection A of this section, the City Council may condition or deny a permit, approval, extension, or entitlement if it determines any of the following:

1. A failure to do so would place the residents of the subdivision or the immediate community, or both, in a condition dangerous to their health or safety, or both;

2. The condition or denial is required, in order to comply with state or federal law.

D. An approved or conditionally approved tentative or vesting tentative map shall be subject to the periods of time set forth in Section 66452.6 of the Map Act.

E. The rights conferred by this division shall expire if a final map is not approved prior to the expiration of the tentative map or of the vesting tentative map.

F. An approved or conditionally approved tentative map or vesting tentative map shall not limit the City Council from imposing reasonable conditions on subsequent required approvals or permits necessary for the development and authorized by the ordinances, policies and standards described in Section 66474.2 or 66498.1 or other applicable provisions of the Map Act. (Ord. 2533 § 1 (part), 2001)

16.32.090 Acceptance of improvements.

Construction of required improvements shall not commence until required improvement plans have been approved by the City Engineer.

A. General. All improvements are subject to inspection and testing by the City Engineer or authorized personnel in accordance with the standards and specifications specified and required by this title.

B. Pre-Construction Conference. Prior to commencing any construction, the developer shall arrange for a

pre-construction conference with the City Engineer or the City Engineer's authorized personnel.

C. The City Engineer and his or her authorized representatives shall have the right to stop any work, refuse to inspect any work, or reject any and all work and construction if it is found that the work is unauthorized, is unsafe in any way to the workmen or the public, is inferior in materials or workmanship, was performed without inspection, or does not meet or comply with the city standards, specifications, or city-approved construction plans.

D. All work and improvements must be found to conform to the specified standards and specifications as a condition of the city's acceptance of them and the release of any improvement securities held therefore.

When all improvement deficiencies have been corrected and as-built improvement plans filed, the subdivision improvements shall be considered for acceptance by the city. The City Engineer shall be responsible for the acceptance of improvements for all divisions of land by tract map, divisions of land by parcel map, lot line adjustments, reversions to acreage or conditional certificates of compliance. Upon such acceptance, the City Engineer shall recommend that the City Council take final action to accept the improvements. The council shall take action on such matters within ten (10) days following recommendation by the City Engineer, or at the next available City Council meeting, whichever occurs later.

Acceptance of the improvements shall only imply that the improvements have been completed satisfactorily and that public improvements have been accepted for public use. When requested by the subdivider in writing, the city may consider acceptance of a portion of the improvements as recommended by the City Engineer. The improvements will be accepted by the city only if it finds that it is in the public interest and such improvements are for the use of the general public.

Acceptance of a portion of the improvements shall not relieve the developer from any other requirements imposed by this title. (Ord. 2533 § 1 (part), 2001)

Division 4. Dedications and Fees

Chapter 16.34

DEDICATIONS, RESERVATIONS AND FEES

Sections:

16.34.010	Dedications.
16.34.020	Certificates.
16.34.030	Parkland dedication.
16.34.040	Elementary school site dedication.
16.34.050	Public use site dedication.
16.34.060	Fees for storm drainage and sanitary sewer off-site improvements.
16.34.070	Fees for bridges and major thoroughfares.
16.34.080	Fees for review of covenants, conditions and restrictions.

16.34.010 Dedications.

A. As a condition of approval for a proposed subdivision for which a tentative tract or parcel map is required by this chapter, the subdivider shall dedicate or make an irrevocable offer of dedication of all parcels of land within the subdivision, which are needed for vehicular, rail or bicycle transit; drainage casements; water, sewer, natural gas, electricity and cable television facility casements; sunlight, open space; scenic easements; and other public purpose easements of rights-of-way deemed necessary by the Planning Commission, upon recommendation by the City Engineer and/or Planning Services Manager.

B. The Planning Commission may, pursuant to Section 66476 of the Map Act, impose a requirement that any dedication or offer of dedication of a street shall include a waiver of direct access rights to such street from any property shown on the map as abutting thereon, and that if the dedication is accepted such waiver shall become effective in accordance with the provisions of the waiver of direct access. (Ord. 2533 § 1 (part), 2001)

16.34.020 Certificates.

A. Dedications or offers to dedicate interests in real property as described above, shall be made by certificate of a final map, pursuant to Section 66439 of the Map Act, and by certificate on or separate instrument with a parcel map, pursuant to Section 66447 of the Map Act.

B. In addition, pursuant to Section 66476 of the Map Act, the final or parcel map shall contain a certificate stat-

ing the approval or rejection of the dedications or offers of dedication, by the Planning Commission. (Ord. 2533 § 1 (part), 2001)

16.34.030 Parkland dedication.

Pursuant to Section 66477 of the California Government Code (hereinafter, the "Quimby Act"), the subdivider shall be required to dedicate land, pay fees in lieu thereof, or pay and dedicate a combination of both, for park and/or recreational purposes, including open space purposes. The standards for land dedication or in-lieu fees are established in City Council Ordinance No. 2663 copies of which can be obtained from the City Clerk as a public record. (Ord. 2663 § 11, 2006; Ord. 2533 § 1 (part), 2001)

16.34.040 Elementary school site dedication.

Pursuant to Section 66478 of the Map Act, subdivider shall be required to dedicate land for an elementary school site. The standards and procedures for such dedication shall be established by the City Council. (Ord. 2533 § 1 (part), 2001)

16.34.050 Public use site dedication.

Pursuant to Section 66479 of the Map Act, and subject to conditions subdivider shall be required to reserve specific sites for a park, recreational facility, police or fire station, library or other public use. The standards and procedures for such dedication shall be established by the City Council. (Ord. 2533 § 1 (part), 2001)

16.34.060 Fees for storm drainage and sanitary sewer off-site improvements.

A. Pursuant to Section 66483 of the Map Act and subject to conditions, subdivider shall pay fees for required storm drainage and sewer improvements. The City Council shall establish procedures and standards for determining the appropriate fees.

B. In addition, pursuant to Section 66488 of the Map Act, the City Council may establish benefit areas for drainage and sanitary sewer facilities and may impose a reasonable charge on properties within the benefit areas, which charges shall be paid to the city, or to the subdivider, through a reimbursement agreement. (Ord. 2533 § 1 (part), 2001)

16.34.070 Fees for bridges and major thoroughfares.

A. Pursuant to Section 66484 of the Map Act and subject to conditions, subdivider shall pay fees for purposes of defraying the actual or estimated cost of constructing

bridges or other major thoroughfares. The City Council shall establish procedures and standards for determining the appropriate fees.

B. In addition, pursuant to Section 66489 of the Map Act, the City Council may establish benefit areas for

bridges or major thoroughfares and may impose a reasonable charge on properties within the benefit areas, which charges shall be paid to the city, or to the subdivider, through a reimbursement agreement. (Ord. 2533 § 1 (part), 2001)

**16.34.080 Fees for review of covenants,
 conditions and restrictions.**

Following approval of the tentative tract map or parcel map, the subdivider shall submit to the city for review and approval the covenants, conditions and restrictions as directed by the Planning Commission and prepared in accordance with the guidelines prepared by the City Attorney's office for such development projects. Each submission shall be accompanied by a review fee in accordance with Section 16.36.020 of this title. Covenants, conditions and restrictions that are returned by the city because they were not done in accordance with the guidelines, or do not contain all of the conditions of the Planning Commission shall pay a resubmittal fee based upon actual cost. (Ord. 2533 § 1 (part), 2001)

Chapter 16.36

FEES AND CHARGES—GENERALLY

Sections:

16.36.010	General.
16.36.020	Fee schedule.
16.36.030	Annual report.

16.36.010 General.

Fees shall be established for the purpose of defraying the expenditure incidental to the proceedings described in this chapter. (Ord. 2533 § 1 (part), 2001)

16.36.020 Fee schedule.

A. The City Council, from time to time, shall by resolution establish fees in accordance with Section 16.38.030 of this title. Such fees shall not be refunded whether or not the application is granted or denied.

B. Fees shall be due and payable in advance to the city, and shall be collected by the Department of Planning and Community Development, unless otherwise noted, before accepting any such application for filing. (Ord. 2533 § 1 (part), 2001)

16.36.030 Annual report.

The Planning Services Manager and the Director of Public Works shall submit a joint written report annually to the City Council, at the close of the fiscal year, which identifies the amount of the fees, costs and charges as collected by the Planning Division and Public Works Department for their respective review of development permits and other land use entitlements. Such report shall also contain any recommendation for modifications, adjustments or additions to the fees, charges and costs as specified in this title. (Ord. 2533 § 1 (part), 2001)

Chapter 16.38

FEES—MODIFICATION AND AMENDMENT

Sections:

- 16.38.010 General purposes.
- 16.38.020 Fees superseded by this chapter.
- 16.38.030 Resolution of the City Council creating, modifying or amending fees.
- 16.38.040 Annual report of the Planning Services Manager.

16.38.010 General purposes.

Various sections of this title provide for the payment by the applicant for a specific development or land use approval, entitlement or permit of certain fees, costs and charges of the city as may be associated with the review of an application for such development or land use approval, entitlement or permit. The purpose of this chapter is to establish a procedure whereby the fees, costs and charges of the city as associated with the submission of an application for each development or land use approval, entitlement or permit may be created, modified or amended from time to time by resolution of the City Council upon receipt of a written recommendation of the Planning Services Manager. (Ord. 2533 § 1 (part), 2001)

16.38.020 Fees superseded by this chapter.

All fees, costs and charges as associated with the submission of an application for each development of land use approval, entitlement or permit as specified in this title as of the effective date of the ordinance codified in this title are superseded by the fees, costs and charges as created, modified or amended from time to time by resolution of the City Council in accordance with this chapter. (Ord. 2533 § 1 (part), 2001)

16.38.030 Resolution of the City Council creating, modifying or amending fees.

A. The City Council may from time to time adopt resolutions which create, modify or amend one or more of the fees, costs and charges associated with a development and land use approval, entitlement or permit as provided in this title as the same exists as of the effective date of the ordinance codified in this chapter or as provided in this title as any provision thereof may hereafter be amended by ordinance of the City Council. The City Council shall conduct a public hearing prior to the adoption of any such resolution and shall cause notice of such public hearing to be published in a newspaper of general

circulation in accordance with Government Code Section 6062a.

B. Prior to setting any proposal for the creation, modification or amendment of any fee, cost or charge as authorized under this title for public hearing, the Planning Services Manager shall prepare a written report which identifies the proposed fee, cost or charge and describes (1) the purpose of the fee; (2) the use to which the fee is to be put, and (3) the relationship between the amount of the fee and the estimated cost to the city of providing for the administration of the applicable development or land use regulation. During the public hearing, the City Council shall consider all relevant evidence as presented and shall receive and file the report of the Planning Services Manager together with any changes or modifications as may be appropriate. Upon the conclusion of the public hearing, the City Council shall adopt a resolution which refers to this chapter as authority for procedures applicable to the creation, modification or amendment of the fee, cost or charge by the City Council. (Ord. 2533 § 1 (part), 2001)

16.38.040 Annual report of the Planning Services Manager.

The Planning Services Manager shall submit a written report to the City Council each year commencing on June 1, 1991, which identifies the amount of the fees, costs and charges as collected by the Planning Department for the review of applications for development and land use approvals, entitlements and permits as performed under this title during the twelve (12) months preceding the date of the report. Such report shall also contain any recommendations as the Planning Services Manager may deem appropriate regarding modifications, adjustments or additions to the fees, charges and costs as specified in this title. (Ord. 2533 § 1 (part), 2001)

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17 Zoning

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Title 17

ZONING

Chapters:

- 17.02 Introduction and Purpose**
- 17.04 Definitions**
- 17.06 General Regulations**
- 17.08 Parking Requirements**
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Chapter 17.02**INTRODUCTION AND PURPOSE****Sections:**

- 17.02.010 Purpose and intent.**
17.02.020 Short title.

17.02.010 Purpose and intent.

The purpose and intent of the zoning ordinance is to consolidate and coordinate all existing zoning regulations and provisions into one comprehensive zoning plan in order to designate, regulate and control the location and use of buildings, structures and land; to regulate the height, number of stories and size of buildings and structures hereafter erected or altered; to regulate and determine the size of yards and other open spaces and to regulate and limit the density of population; and for said purposes to divide the city into zones of such number, shape and area as may be deemed best suited to carry out these regulations and to provide for the enforcement thereof. This chapter is also intended to implement the provisions of The Planning and Zoning Law of the State of California; Division 1 (Planning and Zoning) of Title 7 (Planning and Land Use) of the California Government Code. (Zoning ordinance § 17.02.010)

17.02.020 Short title.

The ordinance codified in this chapter shall be known as the official "City of El Monte Zoning Ordinance," hereinafter referred to as the zoning ordinance. (Zoning ordinance § 17.02.020)

Chapter 17.04**DEFINITIONS****Sections:**

17.04.010	Purpose.
17.04.020	Definitions.

17.04.010 Purpose.

For the purpose of carrying out the intent of this chapter certain terms and words are herein defined and they shall have the meaning ascribed to them as follows. Headings contained in this chapter shall not be construed to govern, modify, limit or in any manner affect the scope, meaning and/or intent of any definition thereof. When not inconsistent with the context, words used are in the present, words in the plural number include the singular number, and the masculine includes the feminine. The word "shall" is always mandatory and not merely directory. "Used" or "occupied" includes designated or arranged to be used or occupied. (Zoning ordinance § 17.04.010)

17.04.020 Definitions.

"Accessory building" means a detached subordinate building, the use of which is customarily incidental to that of the main building or to the main use of the land, and which is located on the same lot with the main building or use. Accessory buildings are not to be used for habitation.

"Accessory use" means a use naturally and normally incidental to, subordinate to and devoted exclusively to the main use of the premises.

Adult Entertainment Establishments. See definition in Section 17.76.020 of this title.

"Alley" means a public way permanently reserved as a secondary means of access to an abutting property.

"Arcade" means any building or portion thereof designed, intended and equipped with five (5) or more electric or mechanical game machines or combination thereof except that a business with a valid certificate of occupancy and business license for another permitted use and with no more than ten (10) percent of the floor area of said business devoted to arcade machines shall not be classified as an arcade.

"Automobile parts and accessory store" means a retail place of business selling or furnishing automobile supplies and parts. No repair work of any kind may be conducted in conjunction with such use.

"Automobile rental or leasing" means a place of business used for the storage and display of complete and

operative automobiles for the purpose of renting or leasing said vehicles on a short or long term basis.

"Automobile repair garage" means a business conducted within a fully enclosed building which services and repairs motor vehicles, but exclusive of all body and fender repair or painting, steam cleaning, mechanical and nonmechanical car washing, recapping of tires, engine or transmission overhauling or replacement and other major repairs.

"Automobile service station" means a retail place of business selling or furnishing automotive supplies and minor automobile parts and minor services, conducted within a fully enclosed building, essential to the customary operation of automobiles, including the dispensing of gasoline and motor oil, the sale and servicing of tires, batteries and automotive accessories and minor replacement items; the lubrication of automobiles; the polishing and hand washing of automobiles, but exclusive of all body and fender repair or painting, steam-cleaning, car washing by mechanical equipment, recapping of tires, engine or transmission overhauling or replacement and other major motor repairs.

"Basement" means a story partly or wholly under ground. A basement shall be counted as a story for purposes of height measurement where more than one-half of its height is above the average level of the adjoining ground.

"Boarding and rooming house" means a building or portion thereof which is used to accommodate, for compensation, three or more boarders or roomers, not including members of the occupant's immediate family who might be occupying such building. The word "compensation" shall include compensation for money, services or other things of value.

"Building" means any structure having a roof supported by columns or walls for the housing or enclosure of persons, animals, or property of any kind.

"Building frontage" means that face of the building that is parallel to or is at a near parallel angle to the street.

"Building height" means a vertical distance measured from the average finished ground level of the site to the highest point of the structure.

"Cafe" means an establishment where tables and/or chairs are provided for patrons, and the principal business activity is the sale of brewed coffees and teas and other nonalcoholic beverage for on-site consumption. A limited menu of snacks or finger foods either packaged or fresh, may also be available for consumption at the establishment. Entertainment may also be provided pursuant to the appropriate sections of the El Monte Municipal Code.

Cafes include, but are not limited to, coffeehouses, beverage houses and similar uses.

"Carport" means a permanent roofed structure with not more than two (2) enclosed sides used or intended to be used for automobile shelter and storage.

"City Council" means the City Council of the city of El Monte.

"City Planning Commission" means the City Planning Commission of the city of El Monte.

Collection Facility, Large. "Large collection facility" means a center for the acceptance by donation, redemption, or purchase of recyclable materials from the public and is greater than four hundred (400) square feet in total area and occupies more than two (2) parking spaces.

Collection Facility, Small. "Small collection facility" means a center for the acceptance by donation, redemption, or purchase of recyclable materials from the public. Such a facility does not use power-driven processing equipment, occupies no more than four hundred (400) square feet in total area and not more than two (2) parking spaces and is located on the same parcel as the host use.

"Computer gaming and/or internet access center" means any facility within the city containing five (5) or more computers for the purpose of offering use of the computers to the public for:

1. Playing computer game software on those computers. Such play may be solo, or with or against other patrons, or with or against other players who are at other physical locations or on-line games by using the Internet or a proprietary network; or

2. Accessing the Internet and/or the world wide web on the computers.

"Day nurseries" means any type of group daycare program, including nurseries for children of working mothers, nursery schools for children under minimum age for education in public schools, parent cooperative schools and programs covering after school care for school children; provided such establishment is licensed by the state and in accordance with state and city requirements.

"Department store" means any retail store with a minimum of twenty thousand (20,000) square feet operated by a single tenant.

"Driveway" means that area of the lot or parcel covered by pavement extending from the abutting public right-of-way to a required garage or parking space.

"Dwelling" means a building or portion thereof designed for residential purposes and approved by the city and improved with full utility services including connection to a public sewer or local septic tank.

"Dwelling unit" means one or more rooms in a dwelling which are designed for and occupied by, or available

for occupancy by, a single household, but not including guest rooms in hotels, motels or boarding and lodging houses. A dwelling unit is further defined as having only one kitchen.

"Educational institution" means an institution of learning giving general academic instruction equivalent to the standards prescribed the State Board of Education.

"Fast food" means an eating establishment that is designed, intended, arranged and operated with seating for twelve (12) or fewer patrons and seating/waiting area which does not exceed five hundred (500) square feet.

"Financial institution" means a bank, savings and loan or other federal or state regulated financial institution which offers predominantly banking type services to its customers.

Floor Area, Gross. "Gross floor area" means the sum of the gross horizontal areas of the several floors of a building measured from the exterior face of exterior walls, or from the centerline of a wall separating two (2) buildings, but not including interior parking spaces, loading spaces for motor vehicles, vehicular maneuvering areas, or any space where the floor-to-ceiling height is less than six (6) feet.

"Floor area ratio" means the ratio of the total gross floor area of a development to the total site area of the property on which the development is located.

"Garage" means a building or portion of a building which is enclosed on three (3) sides and which has an openable garage door, in which motor vehicles used by the occupants or tenants of the main building or buildings on the premises are stored or kept.

"Ground level" means the average of the finished ground level at the center of all walls of a building. In case walls are parallel to and within the five (5) feet of a sidewalk, said ground level shall be measured at the sidewalk.

"Guest house" means a detached accessory building located on the same lot as the main building with no utilities metered separately from those furnished to the main building, having no kitchen facilities, not used as a separate dwelling unit, and used only by the household occupying the main building, or by temporary guests of such main building occupant without charge or valuable consideration for such use.

"Home occupation" means an activity for compensation carried on in a residential zone by the occupant of a dwelling as a secondary use in connection with which there is no display, no stock in trade, no commodity sold upon the premises, no person employed upon the premises, and no mechanical equipment used except such as is necessary or customary for housekeeping purposes. Furthermore, these activities are restricted to receipt of mail and use of tele-

phone and facsimile only. Activities excluded are as follows: hairdressing, manicuring, barbering, laundering of clothes or other articles, massaging, physiotherapy, carpentry, automobile repairing, manufacturing and parts assembly. These activities are not home occupations if to any extent engaged in or carried on for profit or for anything of value, or if any of the products thereof are sold or exchanged for anything of value.

“Hospital” means an institution staffed and equipped to provide the various types of intensified hospital care, including, but not limited to, in-patient care, short-term care in acute medical, surgical, obstetrical services; the treatment of drug addiction, alcoholism and other psychiatric and psychological care.

“Host use” means an existing commercial use or community service facility in compliance with zoning, building and fire codes on which a recycling facility or large collection facilities is located.

“Hotel” means a building portion thereof with access provided through a common entrance, lobby, or hallway to one or more guest rooms, designed to be rented out for a period of between one and thirty (30) days, and which may include other facilities such as restaurants and meeting rooms. “Hotel” shall include bed and breakfast establishments and inns.

“Impound yard” means an area of land which is used for the short term storage of motor vehicles, not to exceed ninety (90) days. Vehicles stored in such lots shall be limited to those removed from public rights-of-way by public agencies, insurance companies, financial institutions, or other persons who may claim a property or security interest in the vehicle.

“Karaoke” means an establishment or business where patrons sing along to musical and/or video tracks. The patrons may be in an open main room such as a bar or lobby or within smaller private rooms. Karaoke includes but is not limited to, Karaoke and K-TV.

“Kennel” means any lot, premises, building or structure in or on which four (4) or more dogs or cats over the age of four (4) months are kept, maintained or permitted.

“Lease space” means the floor area of a building or development which is occupied by a specific tenant.

“Lot” means a parcel of real property shown with a separate and distinct number on a plot or map recorded or filed with the Recorder of the county, or as otherwise deemed under the Subdivision Map Act.

Lot, Area. “Lot area” means the total horizontal area within the lot lines of a lot.

Lot, Corner. “Corner lot” means a lot situated at the intersection of two (2) or more streets, or upon two (2)

parts of the same street forming an interior angle of more than one hundred thirty-five (135) degrees.

Lot, Interior. “Interior lot” means a lot other than a corner lot.

Lot, Key. “Key lot” means the first interior lot to the rear of a reversed corner lot whether or not separated by an alley.

Lot, Reversed Corner. “Reversed corner lot” means a corner lot the side street line of which is substantially a continuation of the front lot line of the first lot to its rear.

Lot, Through. “Through lot” means a lot having frontage on two (2) parallel or approximately parallel streets.

Lot Line, Front. “Front lot line” means the property line dividing a lot from a street, where the property is bounded by more than one street, the front shall be the narrowest portion of the lot.

Lot Line, Rear. “Rear lot line” means the property line opposite the front lot line.

Lot Line, Side. “Side lot line” means any lot line other than a front or rear lot line.

“Medical marijuana dispensary” means any facility or location, whether fixed or mobile, where medical marijuana is made available to or distributed by or distributed to one or more of the following: a primary caregiver, a qualified patient, or a person with an identification card. The terms “primary caregiver,” “qualified patient” and “person with an identification an identification card” as used within this definition shall be identified in strict accordance with California Health and Safety Code Section 11362.5 et seq., inclusive of California Health and Safety Code Section 11362.7. A medical marijuana dispensary shall not include the following uses, as long as the location of such uses is otherwise regulated by the El Monte Municipal Code or applicable law: a clinic licensed pursuant to Chapter 1 of Division 2 of the Health and Safety Code; a healthcare facility licensed pursuant to Chapter 2 of Division 2 of the Health and Safety Code; a facility licensed pursuant to Chapter 2 of Division 2 of the Health and Safety Code; a residential care facility for persons with chronic life-threatening illnesses licensed pursuant to Chapter 3.01 of Division 2 of the Health and Safety Code; a residential care facility for the elderly licensed pursuant to Chapter 3.2 of Division 2 of the Health and Safety Code; a residential hospice, or a home health agency licensed pursuant to Chapter 8 of Division 2 of the Health and Safety Code, as long as such use complies strictly with applicable law, including, but not limited to, Health and Safety Code Section 11362.5 et seq.

“Mini-mall” means the subdivision of the floor area of a single business occupancy into multiple business occupancies whereby each occupant or tenant requires a separate

certificate of occupancy and business license excluding those subdivisions whereby the primary occupant or tenant occupies a minimum of seventy-five (75) percent of the gross floor area.

“Mixed use development” means an area of development containing two (2) or more of the following uses: office, commercial, residential, restaurant, rapid transit facility, hotel or entertainment.

“Mobilehome” means a mobilehome as defined by Section 18008 of the Health and Safety Code and a manufactured home as defined in Section 18007 of the Health and Safety Code. It also includes a recreation vehicle, as defined in Section 799.24 of the Civil Code and Section 18010 of the Health and Safety Code. Mobilehome does not include a commercial coach as defined in Section 18001.8 of the Health and Safety Code.

“Mobilehome park” means any lot designated, used, or intended to be used for the parking of two (2) or more mobilehomes. Mobilehome park includes trailer park.

“Motel” means a building or group of buildings including but not limited to buildings designated as motor hotels, hostels, auto courts, tourist courts, auto cabins, and motor courts containing individual sleeping units intended to be used solely to provide sleeping accommodations for short-term occupancy by transient travelers as defined in Section 3.16.010 of this code. The portions of such buildings providing sleeping accommodations shall not be provided with cooking facilities and no cooking facilities shall be

permitted therein, except in those rooms designated for the sole use by the manager of such facility, and except those portions of the building designed and used by the owner or lessee of the premises to prepare at a central location for all persons desiring the same.

"Multiple tenant development" means any nonresidential development site which is improved with multiple uses, retail sales, retail services, restaurants or a combination thereof. A commercial project which is designed and devoted to office use exclusively or which is designed and devoted to manufacturing and industrial use exclusively is exempt from this definition.

Nonconforming. See definitions in Section 17.14.020 of this title.

Occupancy, Change of. "Change of occupancy" is a discontinuance of an existing use and the substitution thereof of a different kind of use.

"Occupied" means arranged, designed, built, altered, converted, rented or leased, or intended to be occupied.

"Off-sale liquor establishment" means a business engaged in the retail sale of alcoholic beverages, with or without other products, all alcoholic beverage items for consumption off the premises.

"On-sale liquor establishment" means a business engaged in the sale of alcoholic beverages for consumption on the premises whether or not accompanied by the sale, dispensing or consumption of food, where less than twenty (20) percent of the gross floor area of the building is designed, intended, equipped and used exclusively for the storage and preparation of food and nonalcoholic beverages for consumption on the premises.

"Open space" means land which is free of buildings, surface parking for vehicles or other improvements except for walkways less than four (4) feet wide or recreation facilities.

"Outdoor advertising structures" means a structure of any kind or character erected or maintained by a state-licensed outdoor advertising company for outdoor advertising purposes, upon which any poster, bill, printing, painting, picture, statuary, symbol or other advertisement of any kind whatsoever may be placed and which:

1. Solicits public support or directs public attention to the sale, lease, hiring, or use of any objects, products, or services not produced, sold or otherwise available on the premises where such advertising sign is erected and maintained; or

2. Contains a visual message to the general public concerning candidates for public office, matters relating to elections, public service announcements or is placed by a public service agency for the purpose of fulfilling its public service mission.

"Personal care facility" means a business use of property in which there may be as part of the services provided or performed direct physical contact between the patron and the proprietor and/or any employee. Personal care facilities include, but are not limited to acupressure, barbers, beauticians, cosmetologists, nail salons, skin care operators and tanning salons. Personal care shall not, however, include the offices or businesses of California state-licensed chiropractors, doctors, dentists and other state-licensed medical professionals.

"Pool hall" means any building or portion thereof designed, intended and equipped with five (5) or more pool tables, billiard tables or snooker tables or combination thereof except that a business with a valid certificate of occupancy and business license for another permitted use and with no more than ten (10) percent of the floor area of the business devoted to pool tables, billiard tables or snooker tables shall not be classified as a pool hall.

"Recyclable material" means reusable material including but not limited to metals, glass, cardboard and plastic which are intended for reuse, remanufacture, or reconstitution for the purpose of using the altered form. Recyclable material does not include refuse or hazardous materials. Recyclable material may include used motor oil collected and transported in accordance with Sections 25250.11 and 25143.2(B)(4) of the California Health and Safety Code.

"Recyclable processing facility" means a separate property not appurtenant to a host use, not meeting the criteria of a reverse or bulk vending machine or mobile recycling unit. A processing facility may include power driven and nonpower driven processing, compacting, baking, shredding or outdoor storage activity and recycling.

"Recycling facility" means a center for the collection and/or processing of recyclable materials. A certified recycling facility or certified processor means a recycling facility certified by the California Department of Conservation as meeting the requirements of the California Beverage Container Recycling and Litter Reduction Act of 1986. Recycling facilities include large and small collection facilities, single-feed reverse and bulk reverse vending machines and mobile recycling units.

Recycling Unit, Mobile. "Mobile recycling unit" means an automobile, truck trailer or van, licensed by the Department of Motor Vehicles which is used for the collection of recyclable materials. A mobile recycling unit also means the bins, boxes or containers transported by trucks, vans, or trailers, and used for the collection of recyclable materials.

"Religious institution" means a building or structure and/or use, or group of buildings or structures, including, but not limited to, temples, rectories, monasteries, and

convents, which by design and construction are primarily intended for the conducting of organized religious services and accessory uses associated therewith. Religious institutions shall include, but are not limited to, chapels, churches, mosques, synagogues and temples.

“Restaurant” means an establishment engaged in the sale of food and nonalcoholic beverages for consumption on or off the premises, and alcoholic beverages for consumption on the premises and where at least twenty (20) percent of the gross floor area of the building is designed, equipped and used exclusively for the storage and preparation of food and nonalcoholic beverages, and where at least fifty (50) percent of the gross floor area of the building is designed, equipped and used exclusively for seating of patrons for the purpose of serving meals. Meals means the usual assortment of foods commonly ordered at various hours of the day. Patrons means persons who come to a bona fide public eating place for the purpose of actually ordering and obtaining a meal therein. A maximum of thirty (30) percent of the gross floor area may be devoted to incidental uses including on-premise sale of alcoholic beverage, live entertainment, pool tables, restrooms and offices. The area designated for incidental use shall be physically separated from all dining and kitchen facilities. The sale of alcoholic beverages shall be incidental to the sale of food.

“Reverse vending machine” means an automated mechanical device occupying twenty-four (24) square feet or less of floor space which accepts at least one or more types of empty beverage containers including, but not limited to aluminum cans, glass and plastic bottles and issues a cash refund or a redeemable credit slip with a value of not less than the container’s redemption value as determined by the state.

Reverse Vending Machine, Bulk. “Bulk reverse vending machine” means a reverse vending machine that occupies no more than fifty (50) square feet of floor space, is designed to accept more than one container at a time; and will pay by weight instead of by container.

“Satellite dish antenna” means any parabolic (bowl-shaped) antenna designed for receiving satellite transmissions, having a diameter greater than two (2) feet and which system is external to or attached to the exterior of any building.

School. “Elementary school or high school” means an institution of learning which offers introduction in the several branches of learning and study required to be taught in the public schools by the Education Code of the state. High schools include junior high school and senior high school.

School, Trade. “Trade school” means a building, tenant space in excess of one thousand (1,000) square feet and seating more than ten (10) individuals used for the training or teaching of any personal improvement, professional or trade instructional services, including but not limited to photography, art, crafts, music, dance, driving, business and trade, reducing salons, health or fitness spas.

“Self-service laundry” means any establishment for laundering where there is no pickup or delivery service and no steam or hand laundry of any type.

“Spiritual specialty shop” means any establishment whose primary business is the sale of, or providing instruction on the use of natural herbs, dry goods, health products, charms, non-pharmaceutical medicinal type products, and religious or spiritual items. Spiritual specialty shop includes, but is not limited to, botanicas, herbal medicine stores with sales of spiritual items, and similar uses.

“Story” means that portion of a building included between the surface of any floor and the surface of the floor next above it, or if there be no floor above it, then the space between such floor and the ceiling next above it.

“Street” means a public thoroughfare which affords the principal means of access to abutting property.

“Structurally altered” means to have had an alteration of any structural element, floor, frame, wall, or roof or any other stress bearing portion of a building and excludes alterations to or additions of interior nonbearing partitions and interior remodeling which does not affect the structural system.

“Structure” means anything constructed or erected, which requires location on the ground or attached to something having location on the ground, but not including fences, or walls used as fences, less than six (6) feet in height.

“Taxi service” means a place of business that has vehicles which provide private transportation to customers for compensation. Taxi service may have vehicle storage for operable taxis when not in use and may have associated minor repair, conducted within a fully enclosed building, and washing of taxis.

“Theater” means that portion of a building or other enclosure permanently enclosed on two (2) or more sides and equipped with a device for the projecting of moving pictures upon a screen for viewing by patrons admitted thereto for anything of value. Every such portion of a building or other enclosure thus equipped shall constitute a separate moving picture theater.

“Use” means the purpose for which land or a building is designed, arranged or intended, or for which either is or may be occupied or maintained.

“Yard” means an open space other than a court, on a lot, unoccupied or unobstructed from the ground upward, except as otherwise provided in this chapter.

Yard, Front. “Front yard” means an area extending across the full width of the lot, the depth of which is the minimum horizontal distance between the front lot line and a line parallel to the main building closest to the front of the lot.

Yard, Rear. “Rear yard” means an area extending across the full width of the lot between the most rear main building and the rear lot line. The depth of the required rear yard shall be measured horizontally from the nearest part of a main building towards the nearest point of the rear lot line.

Yard, Side. “Side yard” means an area between the main building and the side lot line extending from the rear line of the required front yard, or the front lot line where no front yard is required, to the rear yard and the width of which side yard shall be measured horizontally from, and at right angles to, the nearest point of a side lot line towards the nearest part of a main building.

Yard, Street Side. “Street side yard” means an area between the main building and any adjacent public street right-of-way.

“Zoning clearance” means a ministerial certificate issued by the Planning Commission prior to issuance of any building permit to ensure that the proposed improvement complies with all of the provisions of the zone in which it is located, as well as all other applicable provisions of this chapter.

“Zoning map” means the officially adopted map of the city of El Monte showing zoning designations for all parcels of land. (Ord. 2687 § 2, 2007; Ord. 2672 § 1, 2006; Ord. 2594 § 1, 2003; Ord. 2522 § 3, 2000; zoning ordinance §§ 17.04.020—17.04.465)

Chapter 17.06**GENERAL REGULATIONS****Sections:**

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17.06.010 General.

The regulations specified in this title shall be subject to the following interpretation, application and exceptions specified in the following sections and subsections:

A. No building or structure shall be erected, and no existing building or structure shall be moved, altered, added to or enlarged, nor shall any land, building or premises be used, designed or intended to be used for any purpose or in any manner other than a use listed in this title as permitted in the respective zone in which such land, building or premises is located. No business, occupation or activity which is or may lawfully be conducted shall be altered, expanded or enlarged in any manner so as to make it nonconforming to any provision of law, ordinance or resolution applicable to the premises or to the property or the business or activity conducted thereon.

B. No building or structure shall be erected nor any existing building or structure be moved, reconstructed or structurally altered to exceed in height the limit established

by this title for the zone in which such building or structure is located.

C. No building or structure shall be erected nor shall any existing building or structure be moved, altered, enlarged or rebuilt, nor shall any open spaces surrounding any building be encroached upon or reduced in any manner except in conformity with the building site requirements and the area and yard regulations established by this title for the zone in which such building is located. (Zoning ordinance § 17.06.010)

17.06.020 Consistency with other plans.

A. Prior to the issuance of any land use entitlement the Planning Division must determine that the proposed building, structure or use is consistent with any applicable redevelopment plan, specific plan, and the city of El Monte general plan.

B. Where any provision of this title imposes more stringent requirements, regulations, restrictions or limitations than are imposed or required by the provisions of any other law or ordinance the provisions of this title shall govern. (Zoning ordinance § 17.06.015)

17.06.030 Residential density.

For the purpose of constructing residential units, the density shall be based upon the lot area after dedication, if any. The number of units permitted shall always be rounded down to the nearest whole number (e.g. 3.8 units = 3.0 units). (Zoning ordinance § 17.06.020)

17.06.040 Less restrictive uses prohibited.

The express enumeration and authorization in this title of a particular class of building, structure, premises or use in a designated zone shall be deemed a prohibition of such building, structure, premises or use in all zones of more restrictive classification, except as otherwise specified. (Zoning ordinance § 17.06.025)

17.06.050 Additional permitted uses.

Uses other than those specifically mentioned in this title as uses permitted in each of the zones may be permitted therein, provided such uses are similar to those mentioned, and are in the opinion of the Community Development Director, not more obnoxious or detrimental to the welfare of the community than the permitted uses specifically mentioned in the respective zones. The decision of the Community Development Director may be appealed to the City Planning Commission. (Zoning ordinance § 17.06.030)

17.06.060 Height of buildings.

A. No penthouse or roof structures for the housing of elevators, stairways, tanks, ventilating fans or similar equipment, towers, steeples, or other structures shall exceed the height limit provided in this title. Radio and tele-

vision masts, flagpoles, chimneys and smokestacks may extend not more than twenty (20) feet above the height limit provided in this title, provided that the same may be safely erected and maintained at such height in view of the surrounding conditions and circumstances.

B. With the exception of roof structures to the extent and height specifically authorized by any section of this title, no portion of any structure located less than one hundred (100) feet from property classified in zone R-2 or any more restrictive zone shall exceed forty (40) feet in height. (Zoning ordinance § 17.06.035)

17.06.070 Accessory building regulations.

The regulations specified below shall apply to the location of accessory buildings unless otherwise provided in this title:

A. Accessory buildings located in any residential zone shall not exceed fifteen (15) feet in height or six hundred (600) square feet total. Furthermore, plumbing is prohibited in accessory buildings with the exception of washer and dryer hookups.

B. Accessory buildings located in any residential zone shall not be located at a distance less than fifty (50) percent of the depth of the lot from the front property line, or fifty (50) feet, whichever is less.

C. On a corner lot accessory buildings located in any residential zone shall not be located at a distance less than ten (10) feet from the street side property line. (Zoning ordinance § 17.06.040)

17.06.080 Through lots.

On through lots the minimum yard setback from the public right-of-way shall be the average of the yards on adjoining lots, if adjoining lots are undeveloped, the minimum yard setback shall conform to the front yard setback for the zone in which the property is located. (Zoning ordinance § 17.06.045)

17.06.085 Floor area ratio.

The maximum gross floor area for a single-family dwelling or for any buildings used for dwelling purposes when located on any lot or parcel, excluding garage and similar accessory structures, shall not exceed the floor area ratio specified in the following subsection:

A. Maximum allowable floor area ratio in specified zone:

1. R1-A	=	0.35
2. R1-B	=	0.35
3. R1-C	=	0.35

4. R-2	=	0.35 for lots less than 10,000 square feet; and 0.40 for lots greater than 10,000 square feet
5. R-3	=	0.35 for lots less than 9,500 square feet; and 0.40 for lots greater than 9,500 square feet
6. R-4	=	0.35 for lots less than 9,500 square feet; and 0.40 for lots greater than 9,500 square feet

(Ord. 2662 § 5(A)(part), 2006)

17.06.090 Lot coverage.

The maximum coverage of all buildings and structures on a lot for all residential zones shall not exceed the lot coverage specified in the following subsection:

A. Maximum allowable lot coverage in specified zone:

1. R1-A	=	40 percent
2. R1-B	=	40 percent
3. R1-C	=	40 percent
4. R-2	=	45 percent
5. R-3	=	45 percent
6. R-4	=	45 percent

(Ord. 2662 § 5(A)(part), 2006)

17.06.095 Yard encroachments.

When yards are required in this title, they shall be not less in depth or width than the minimum dimension specified for any part, and they shall be at every point open and unobstructed from the ground upward, except as permitted by the following subsections:

A. Cornices, chimney, canopies, bay windows, eaves, or other similar architectural features not providing additional floor space within the building may extend into a required front, side or rear yard not to exceed two (2) feet.

B. Mechanical equipment located in the interior side or rear yard may be no closer than three (3) feet to the property line. Mechanical equipment in the front or street side yard shall comply with the setbacks for structures in the respective zone. (Ord. 2662 § 5(A)(part), 2006: zoning ordinance § 17.06.050)

17.06.100 Outdoor storage in commercial zones.

In all commercial zones, the outdoor storage of material and equipment shall be permitted only when such storage is incidental to the proper use of an office, retail store, or other commercial building located on the front portion of

the same lot, and upon condition that the following requirements be complied with at all times.

A. Storage shall not occupy any of the required parking or loading spaces.

B. Such storage shall be located on the rear one-half of the lot and shall occupy no more than twenty-five (25) percent of the entire lot area.

C. The storage area shall be completely enclosed by a solid masonry wall (with necessary gates constructed with approved screening material) not less than six (6) feet in height.

D. No material or equipment shall be stored to a height greater than that of the wall or fence enclosing the storage area. (Zoning ordinance § 17.06.055)

17.06.110 Outside storage in industrial zones.

In all industrial zones, the outside storage of products, materials, and equipment shall be permitted only when such storage is incidental to a permitted or conditionally permitted use for the zone in which it is located, except where storage is the permitted use as in a contractor's storage yard. All outside storage, including storage yards shall comply with the following requirements at all times.

A. Storage shall not occupy any of the required parking or loading spaces.

B. The storage area shall be completely enclosed by a solid masonry wall (with necessary gates constructed with approved screening materials) not less than six (6) feet in height.

C. No material or equipment shall be stored to a height greater than that of the wall or fence enclosing the storage area. (Zoning ordinance § 17.06.060)

17.06.120 Fences, walls and hedges.

A. For all residential uses no fence, wall or hedge located in the rear or interior side yards shall exceed a height of six (6) feet. Furthermore, no solid fence, solid wall or hedge located in the required front yard of such parcel shall exceed a height of four (4) feet. Except that a maximum five (5) foot fence may be constructed provided that it is at least fifty (50) percent decorative wrought iron with decorative block pilasters.

B. For all residential uses, fences located within the ten (10) feet of a street side yard shall not exceed a height of four (4) feet. Except that a maximum five (5) foot fence may be constructed provided that it is at least fifty (50) percent decorative wrought iron with decorative block pilasters.

C. For all residential uses no barbed, pointed, spiked, razor, piercing or other similar materials may be attached to any wall or fence.

D. Barbed, pointed, spiked, razor, piercing or other similar type wire may be attached to walls and fences of commercial zoned and used property or industrial zoned and used property except along, parallel to, and/or within twenty-five (25) feet of any public right-of-way. Where such zones or uses abut any residentially zoned property the above referenced materials are prohibited. The overall height of any wall or fence and wire shall not exceed eight (8) feet in height.

E. In all commercial, office and industrial zones, fences and/or walls located along the front or street side property line shall be located behind the required landscaping. (Zoning ordinance § 17.06.065)

17.06.130 Security bars and gates.

A. Security bars, gates, and similar security devices for all commercial and industrial buildings and/or uses must be located in the interior of buildings whenever possible. If gates or grills are located on the exterior of buildings, they shall be retractable during business hours and they shall be decorative in style.

B. Commercial and industrial buildings and/or uses are prohibited from having security window grills installed, located and/or maintained on the exterior of a building. (Zoning ordinance § 17.06.070)

17.06.140 Commercial and industrial separation.

A. When a commercial or industrial use abuts a property classified or used for residential purposes it shall be separated therefrom by a solid masonry wall six (6) feet in height, using an average grade between adjacent lots. Separation walls located along the front property line of the abutting R-classified property shall be four (4) feet in height.

B. All fences located in the required front and street side yards for commercial and industrial uses shall be solid masonry or wrought iron. All fencing shall be set back from any street property line a minimum of seven (7) feet clear and the seven (7) foot strip shall be landscaped and maintained and an underground irrigation system shall be installed. (Zoning ordinance § 17.06.075)

17.06.150 Satellite dish antenna.

Every satellite dish antenna shall comply with the following requirements:

A. For all residential uses satellite dish antennas with a diameter greater than two (2) feet shall not be attached to the roof or wall of any building; no pole mounted antennas are permitted; no ground mounted dish antennas shall be located in the area between the main building and the front

property line or between the building and the side property line on the street side of a corner lot; no ground level satellite dish antenna shall exceed sixteen (16) feet in height; guy wires shall not be anchored within any front yard of any lot or within any side yard on the street side of a corner lot; dish antennas shall be screened from view from any public right-of-way with dense landscaping or other material approved by the Planning Services Manager.

B. For all nonresidential uses satellite dish antennas with bases attached on or to a building shall be located within the middle one-third of the roof of the building and shall be completely screened from view from any public right-of-way; dish antennas with bases of attachment on a building shall not exceed sixteen (16) feet in height above the grade of the roof; no ground-mounted dish antenna shall be located in the area between the main building and the front property line or between the main building and the side property line on the street side of a corner lot; all ground-mounted satellite dish antennas and supporting bases shall be screened from view from any public right-of-way with dense landscaping or other material approved by the Planning Services Manager; no pole-mounted dish antennas are permitted which exceed sixteen (16) feet in height. (Zoning ordinance § 17.06.080)

17.06.155 Physical cart containment measures.

A. General Requirement. Any business establishment that uses carts in its operations, or that provides, or otherwise makes available carts for use by its customers, shall be required to employ and/or install physical containment devices and/or equipment designed to prevent the unauthorized removal of such carts from premises where they are located.

B. Containment Options. In the furtherance of subsection A of this section, each business establishment shall be required to employ and/or install one or more of the following physical containment measures:

1. Equipping all carts with a wheel locking or stopping mechanism used in conjunction with an electronic or magnetic barrier running along or within the perimeter of the premises. Such wheel locking or stopping mechanism must activate when the shopping cart crosses the electronic or magnetic barrier;

2. Equipping all carts with devices and/or equipment which physically prevents the carts from being removed from the interior of any building or structure in which they are used;

3. Installing physical barriers within all buildings or structures which physically prevent carts from being removed from the interior of any building or structure in which they are used;

4. Installing a physical barrier system designed to reliably prevent the removal of carts from the territorial boundaries of the premises, provided, however, that such barrier system be designed to be architecturally and aesthetically consistent and compatible with other on premise improvements.

Nothing in this subsection shall prevent the El Monte Planning Commission, or the El Monte City Council on appeal, from requiring one or more of the containment measures enumerated above, or any other physical containment measures which are not so enumerated, as mitigating conditions for the approval of any discretionary land use authorization (e.g., conditional use permits, modifications, variances, design review approvals, subdivision maps, parcel maps and the like).

C. Approval by Planning Services Manager. Commencing upon the effective date of this section, below, every new or existing business establishment must either: (i) submit documentation which to the reasonable satisfaction of the Planning Services Manager proves that the business establishment has installed any one or more of the measures set forth under subsections (B)(1) through (B)(3) of this section and that such system is operational and in good working condition; or (ii) submit to the Planning Services Manager a proposal for the installation and construction of a barrier system as contemplated under subsection (B)(4) of this section. The Planning Services Manager shall have thirty (30) calendar days from the date of submission to review any proposal for a barrier system contemplated under subsection (B)(4) of this section and may thereafter approve the proposal as proposed; deny the proposal as proposed; or approve the proposal subject to modifications and amendments aimed at enhancing its cart containment reliability and/or its architectural and aesthetic consistency with other on-premises improvements to the reasonable satisfaction of the Planning Services Manager. No new business establishment shall be issued a certificate of occupancy until the requirements of this section are satisfied. No existing business shall be issued a business permit as contemplated under Chapter 5.25 (Use of Shopping and Laundry Carts) of this code until the requirements of this section are satisfied.

D. Implementation of Supplemental Measures. In addition to the physical containment option set forth under subsection (B)(4) of this section, the Permit Committee may require the employment and/or installation of any one of the options set forth under subsections (B)(1) through (B)(3) of this section, if the Permit Committee finds that the option set forth under subsection (B)(4) does not reliably prevent the removal of carts from the premises. If the number of carts removed from the premises, or otherwise

found abandoned, exceeds eight (8) carts per month during any ten (10) months of the calendar year following the installation of the containment measure contemplated under subsection (B)(4) of this section, such containment measure shall not be considered reliable for purposes of this subsection. The Permit Committee may direct the employment and/or installation of the additional measures in the course of any renewal of a business permit or in the course of any revocation proceedings as both processes are set forth under Chapter 5.25 of this code.

E. Compliance Period. All business establishments subject to subsection B of this section which are already in operation as of the effective date of this section, shall be required to comply with its provisions within twelve (12) months from the effective date of this section. Any premises or other real property occupied, or otherwise used by, a noncompliant business establishment shall be regarded as a nonconforming use which may be continued for a period of twelve (12) months following the effective date of this section. After such twelve (12) month period all such nonconforming uses shall be terminated except to the limited extent an extension of time has been granted in accordance with subsection F of this section, below.

F. Extension of Compliance Period. A business establishment and the owner of the premises upon which the business establishment is located (if different from the owner of the business establishment) may apply for an extension of time within which to comply with the mandate of subsection B of this section as follows:

1. Applicant. The application must be submitted by (i) the owner of the business establishment; or (ii) jointly by the owner of the business establishment and the owner of the premises upon which the business establishment is located, if different from the owner of the business establishment.

2. Time and Manner of Application. The application must be filed with the Planning Services Manager care of the City Clerk at least sixty (60) days but no more than one hundred eighty (180) days prior to the expiration of the twelve (12) month noncompliance period authorized under subsection E of this section. Upon the filing of a complete application, the Planning Services Manager shall designate a hearing officer to conduct a hearing on the extension request, make findings and issue a ruling thereupon.

3. Content of Application. The application shall (i) state the amount of additional time needed, provided such request does not exceed a period of four (4) additional months; (ii) state the specific basis for requesting an extension; and (iii) identify all substantive and tangible steps taken by the applicant(s) as of the date of the application to bring business establishment closer to compliance. The

City Council may establish and from time to time amend fees for the processing of such applications. An application which fails to address any of the foregoing matters, shall be returned to the applicant, as incomplete and non-responsive, together with the application fee less any administrative costs of processing the application.

4. Hearing Procedure. The hearing to consider the extension of the twelve (12) month, noncompliance period shall be conducted informally and the legal rules of evidence shall not be applicable. The applicant(s) may be represented by legal counsel or any other duly designated representative(s). The hearing shall be conducted within thirty (30) days from the date a hearing officer is designated by the Planning Services Manager.

5. Approval of Extension. An extension under the provisions of this section shall be for a reasonable period of time not to exceed four (4) additional months. The hearing officer may grant the extension request as proposed; deny the extension request as proposed; or grant a modified extension, provided any such modified extension does not exceed four (4) additional months. In rendering its decision the hearing officer may consider (i) the written request of the applicant(s); (ii) the written reports or other communications of city staff and other commissions or committees of the city which are offered to the hearing officer for consideration, provided copies of such material are also made available to the applicant at or before the hearing; (iii) any written points and authorities submitted by the applicant(s) or the city, provided copies of such written points and authorities are filed with the hearing officer and served upon the opposing party no less than five (5) days prior to the date of the hearing; and (iv) the oral argument and testimony of the applicant and its representatives or consultants, the Planning Services Manager, and such other representatives or consultants as may be designated by the Planning Services Manager to speak on behalf of the city.

6. Findings. The hearing officer may grant an extension (including a modified extension) if all of the following is found by a preponderance of the evidence: (i) the applicant(s) would suffer undue hardship absent the grant of an extension; (ii) the applicant(s) has made a substantial and tangible effort to bring the business establishment and the premises closer to full compliance with the requirements of this section as of the date of the application; (iii) the applicant is not in violation of any of the provisions of Chapter 5.25 of this code or any cart containment plan approved thereunder; and (iv) authorizing an extension of time for a period not exceeding four (4) additional months would not unduly threaten the public health, safety or welfare in light of applicants compliance efforts to date.

7. **Decision and Order.** The decision of the hearing officer and supporting finding shall be in the form of a written order and shall be served upon the applicant(s) personally or by certified mail, return receipt requested, within ten (10) days after the decision is rendered.

G. **Routine Cart Collection.** All carts located on the premises of the business establishment (other than an establishment open for business twenty-four (24) hours per day) shall be collected at the end of each business day by employees of the business establishment and shall be collectively confined in a secure manner at a designated cart confinement area until the commencement of the next business day. All carts located on the premises of any business establishment open for business twenty-four (24) hours per day, other than carts then currently in use by a customer, shall be collected by employees of the retail establishment and returned to the designated cart confinement area on the premises at least twice per calendar day between the hours of one p.m. and five p.m. and the hours of eight p.m. and one a.m. for each day the business establishment is open for business. The provisions of this element shall not apply to carts which are physically confined within an enclosed building.

H. **Definitions.** For purposes of this section, the following terms and phrases shall have the meaning set forth below:

Business Establishment. The term "business establishment" refers to any person, as defined herein, engaged in for-profit or non-profit enterprise, undertaking or activity for which a city of El Monte business license and/or business permit is required, including, but not limited to, any for-profit commercial retail business or enterprise.

Cart. The term "cart" means either a shopping cart or a laundry cart as defined herein.

City Council. The term "City Council" means the City Council of the city of El Monte.

Laundry Cart. The term "laundry cart" means any basket or other like container of any size, dimension or material construction which is mounted on wheels and used in a cash operated laundry or dry cleaning business establishment by the customer, agents, employees typically, but not necessarily exclusively, for the purpose of transporting clothing, fabrics and/or the supplies necessary to process them.

Parking Area. The term "parking area" means any area within the perimeter of a premises as defined herein that is designated or otherwise used for the parking, stopping, loading or unloading of vehicles, including but not limited to any and all motor vehicles used by customers of the business establishment located on the premises.

Permit Committee. The term "Permit Committee" means the El Monte Permit Committee organized under Chapter 5.12 (Business Permits Generally) of this code.

Person. The term "person" means and includes, but is not limited to, any natural person, individual, firm, association, organization, sole proprietorship, general partnership, limited partnership, corporation, limited liability company, limited liability partnership, business trust, living trust, joint venture or any other legal entity. The term "person" as applied under this chapter is to be given the broadest possible meaning and is inclusive of any business establishment or cart owner.

Planning Services Manager. The term "Planning Services Manager" means the Planning Services Manager of the El Monte Planning Division or designee.

Premises. The term "premises" means the lot area or portion thereof owned, leased, managed, maintained, occupied or otherwise used by a business establishment, including all buildings, structures parking areas, public areas, common areas owned, leased, managed, maintained, occupied or otherwise used by the business establishment or the customers, agents or employees of a business establishment in connection with, or in the furtherance of, its operations.

Public Area. The term "public area" means any real property within the territorial boundaries of the city of El Monte that is open to, or otherwise accessible by, members of the general public, including, but not limited to, any public right-of-way, any public street and those areas of privately owned real property that are customarily open to, or otherwise accessible by, members of the general public such as the parking areas or common areas within a premises as defined herein.

Shopping Cart. The term "shopping cart" means any basket or other like container of any size, dimension or material construction which is mounted on wheels or a similar device and is typically (but not necessarily exclusively) used by the customers, agents or employees of a retail business establishment for the purpose of transporting goods of any kind. (Ord. 2692 § 1, 2007)

17.06.160 Medical marijuana dispensaries prohibited in all zones.

A. A medical marijuana dispensary as defined under Section 17.04.020 of this code is prohibited in all zones throughout the city of El Monte and no conditional use permit or other discretionary land use approval shall be issued therefore.

B. The findings set forth under Section 5.17.070 of this code are incorporated in this section by reference and set forth the basis for its enactment. (Ord. 2687 § 3, 2007)

17.06.165 Residential second unit.

A. This section is adopted pursuant to California Government Code Section 65852.2. The purpose of this section is to establish procedures and standards for the development of residential second units in a manner that preserves the integrity of single-family residential areas, avoids adverse impacts on such areas and ensures a safe and attractive residential environment.

B. A maximum of one residential second unit shall be permitted on R-1A zoned property and R-1B, R-1C, R-2, R-3, and R-4 zoned property developed as a single-family residence that would otherwise not qualify for more than one dwelling unit due to the minimum lot area per dwelling requirement of that zone. The residential second unit (1) shall have a design and architectural style that is consistent and compatible with the principal dwelling unit as well as other residential structures in the surrounding neighborhood; and (2) shall be constructed with materials that are consistent and compatible with the principal dwelling unit as well as other residential structures in the surrounding neighborhood.

C. Upon approval of a residential second unit, no other expansions, additions, or alterations may be permitted on the property that will increase the total number of structures on the property at the time of approval. Furthermore, upon final approval for occupancy, the residential second unit approved pursuant to this section may not be enlarged, expanded, or altered in any way.

D. Residential second units are prohibited on the following types of lots:

1. Residential lots developed with more than one dwelling or structure used for habitation;
2. Lots within a planned residential development (PRD);
3. Lots developed with attached dwellings or within a condominium development; or
4. Lots developed or subdivided having primary vehicular access from a common private drive, private access easement, or private street and including the lot at the front of such a development that may or may not have primary access to and from a public street.

E. Under no circumstances shall a residential second unit be permitted on a lot fronting a public street that does not meet the city's minimum right-of-way and street section standards in effect at the time of the application for the residential second unit.

F. No residential second unit shall be permitted on any residentially zoned lot that does not conform with the development standards of the zoning designation or the requirements of this section. No residential second unit may be permitted on a lot that is currently improved with a "guest house" or "accessory living quarters." The forego-

ing notwithstanding, a "guest house" or "accessory living quarters" may be converted into a residential second unit, provided the converted structure fully complies with all standards for residential second units.

G. The owner of a lot containing a residential second unit shall reside either in the principal dwelling or in the residential second unit. Prior to issuance of a building permit for residential second unit, the property owner shall provide proof to the Planning Services Manager that an unsubordinated covenant setting forth the following requirements, in a form satisfactory to the city, has been recorded against the property with the Los Angeles County Recorder:

1. That the residential second unit shall not be sold, or title thereto transferred separate from that of the property;
2. That if the owner ceases to reside on the property, use of the residential second unit shall be discontinued and the unit converted into a portion of the principal dwelling, if it is an attached unit, or removed or converted to a legal use if it is a detached unit;
3. That the restrictions shall be binding upon any successor in ownership of the property.

H. Proposals for the construction of a residential second unit or the conversion of a "guest house" or "accessory living quarters" to a residential second unit shall be submitted to the Planning Services Manager for review and any such proposal shall include, but not be limited to, the following:

1. A plot plan drawn to scale showing the principal dwelling, accessory structures and the proposed residential second unit;
2. A floor plan, drawn to scale, of the principal dwelling and the proposed residential second unit;
3. Elevations of the principal dwelling and proposed residential second unit showing the existing and proposed architectural design and exterior building color, material, and finish;
4. A landscape and irrigation, prepared by a state licensed landscape architect;
5. Documentation verifying that the existing dwelling is owner-occupied;
6. The proposed method of water supply and sewage disposal for the residential second unit, including "can and will serve" letters from a public water district or an existing mutual water company, where appropriate.

I. The following development standards shall apply to residential second units:

1. A residential second unit shall be consistent with the provisions of the applicable zoning district and the goals and policies of the general plan;

2. No more than one residential second unit shall be permitted on any one lot;

3. A residential second unit shall only be permitted on a lot in which the principal dwelling and all other structures thereon conform to all minimum requirements of the applicable zoning district;

4. The minimum lot size on which an attached residential second unit may be located shall be eight thousand five hundred (8,500) square feet. The minimum lot size on which a detached residential second unit may be located shall be twelve thousand (12,000) square feet;

5. The lot shall contain an existing single-family detached dwelling at the time an application for a residential second unit is submitted, or the application for the second unit may be made in conjunction with the development of the principal dwelling;

6. A residential second unit shall comply with all development standards for the applicable zoning district, including, but not limited to, standards for front, rear and side yards setbacks and setback requirements for a principal dwelling under the regulations of the applicable zoning district;

7. A residential second unit, whether attached or detached, shall not exceed six hundred fifty (650) square feet of living area. Furthermore, if the second unit is attached to the principal dwelling, it shall not exceed thirty (30) percent of the total floor area used for living purposes of the principal structure or six hundred fifty (650) square feet, whichever is less;

8. The minimum gross floor area of a detached residential second unit shall be five hundred thirty (530) square feet;

9. A residential second unit shall have no more than two (2) bedrooms;

10. If an enclosed parking facility for the principal dwelling, whether attached or detached, is proposed to be converted into a residential second unit, it shall be replaced elsewhere on the property and must conform to parking standards pursuant to Section 17.08.090;

11. The total gross floor area of all habitable structures on property with a residential second unit constructed pursuant to this section, attached or detached, shall not exceed thirty-five (35) percent of the lot area;

12. Residential second units, whether attached or detached, shall be single story and not exceed a height of fifteen (15) feet or be higher than the height of the principal dwelling, whichever is less;

13. An attached residential second unit may have a separate entrance, which may be facing the side or the rear yards; provided, however, in no event shall any entry for

the resident second unit be visible from the primary street that the property fronts on;

14. A residential second unit shall not be permitted on a lot where there is a guesthouse or other dwelling or structure used for habitation in addition to the principal dwelling;

15. A residential second unit shall contain separate kitchen and bathroom facilities, and shall be metered separately from the primary dwelling for gas, electricity, communications, water, and sewer services;

16. No residential second unit shall be located forward or along side of the principal dwelling. The distance between the principal dwelling and a detached residential second unit shall be at least ten (10) feet;

17. When located on a lot at an intersection of two (2) or more streets, a six (6) foot tall decorative block wall shall be constructed in accordance with Section 17.06.120;

18. In addition to the required parking for the principal dwelling, a residential second unit shall comply with the parking requirements for a residential second unit pursuant to Section 17.08.090;

19. A property developed with a second residential unit, whether located on a corner lot or an interior lot, may only maintain one driveway approach and one driveway. When a property is accessible by both a public street and a public alley right-of-way at the rear or side property line, one additional driveway opening may be maintained from the alley right-of-way only;

20. Upon approval of a residential second unit on a lot, the lot shall not be further divided unless there is adequate land area to divide the lot consistent with the general plan, zoning designation, and subdivision regulations;

21. All construction, structural alterations or additions made to create a residential second unit shall comply with current building, electrical, fire, plumbing and zoning code regulations;

22. In the event of any conflicts between the standards set forth in this section and those set forth in the regulations of the applicable zoning district, the provisions of this section shall prevail;

23. The applicant shall pay to the city all applicable fees imposed on such new development;

24. The Planning Services Manager may add other conditions, consistent with general law and applicable state and city standards, as necessary to preserve the health, safety, welfare and character of the residential neighborhood; provided, however, that such conditions shall not unreasonably restrict the ability of an applicant to create a residential second unit;

25. Appeals. The applicant may appeal the decision of the Planning Services Manager to the City Planning

Commission within ten (10) calendar days following the decision. Appeals by the Commission shall be reviewed as a regular agenda item. The decision of the City Planning Commission shall be final. (Ord. 2634 § 13 (part), 2004; Ord. 2585 § 9, 2003)

17.06.170 Failure to comply.

A. Any individual, entity, company or corporation who fails at any time to comply with, or violates the provisions of this chapter and/or any requirements imposed as a condition of being granted a land use entitlement, shall be subject to the enforcement provisions as enumerated in Chapter 17.28 of this title.

B. Failure to properly and completely construct or install all improvements required as a condition of being granted a land use entitlement, or to correct any violations of this chapter prior to occupying a building or structure and/or commencing operation of the use, shall be subject to the enforcement provisions as enumerated in Chapter 17.28 et seq. of this title. (Zoning ordinance § 17.06.100)

Chapter 17.08

PARKING REQUIREMENTS

Sections:

17.08.010	Purpose.
17.08.020	General requirements.
17.08.030	Parking lot design.
17.08.040	Parking stall size.
17.08.050	Parking location.
17.08.060	Vehicle location and storage.
17.08.070	Driveways.
17.08.080	Handicapped parking and access.
17.08.090	Parking requirements for specific land uses.
17.08.100	Reduction of required spaces.

17.08.010 Purpose.

These off-street parking requirements are established to provide properly designated parking areas adequate in design, capacity and location to prevent traffic congestion and avoid hazards to the public's safety and welfare. Off-street parking areas are to be established in proportion to the needs of the facilities served and in such a manner as to ensure their usefulness, protect the public safety and, where appropriate, buffer adjacent land uses from their impact. (Zoning ordinance § 17.08.010)

17.08.020 General requirements.

A. Any parking spaces or loading zones that were required when the building was originally constructed or subsequently expanded shall be continually maintained.

B. All parking areas shall be permanently maintained in a safe and clean condition free of physical obstructions and in good condition. All areas, including landscaping, shall be kept free of trash and weeds. Landscaped planters shall be permanently maintained with healthy nursery stock. Any alteration, enlargement, maintenance or repairs shall be subject to the provisions of this chapter.

C. In all zones, parking plans for off-street parking facilities shall be submitted for approval to the Planning Division prior to the issuance of building permits or certificates of occupancy. All plans shall clearly indicate the proposed development, including parking location, size, design, lighting, landscaping, curb cuts, ingress and egress.

D. Any restriping or other changes made to a parking lot shall be reviewed and approved by the Planning Division prior to such work being commenced.

E. Required parking spaces shall not be rented separately.

F. In lieu of providing on-site parking the Planning Commission may, on a project by project basis, establish a fee equivalent to the cost of acquiring the required parking. These fees shall be used for the acquisition and the construction of parking facilities in the immediate vicinity of the project, and/or for the acquisition and improvement of accessways to parking facilities in the immediate vicinity of the project.

G. Parking shall be based upon gross floor area, except for office buildings in excess of one story, the parking ratio shall be based on net floor area, which is gross floor area minus elevator shafts, stairwells, open courtyards and balconies. Fractional spaces may be rounded to the nearest whole parking space.

H. Whenever a nonresidential structure is enlarged or increased in capacity, or when a change in use creates an increase in the amount of off-street parking or loading area required, additional spaces shall be provided. Furthermore, for all existing uses or structures, including residential, hereafter expanded by twenty-five (25) percent or more of the existing gross floor area, the required off-street parking for the entire property or development shall conform to the most current parking standards.

I. Nothing in this chapter shall prohibit the collective use of space for off-street parking, provided such collectively used space is equal to the sum of the requirements of each individual establishment participating in such collective use.

J. All required parking spaces shall be used exclusively for operable, currently licensed motor vehicles of tenants, occupants, or visitors of the property.

K. No parking area shall be counted as both a required parking stall and a loading space.

L. Requirements for uses not specifically listed in this chapter shall be determined by the City Planner, based upon the requirements for comparable uses and upon particular characteristics of the use. Additional parking over and above that required in this chapter, may be required upon determination of the Planning Commission that the specific type of business or user generates a greater demand for more parking than the requirement in this chapter. (Ord. 2662 § 5(B), 2006; Ord. 2576 § 3 (part), 2002; zoning ordinance § 17.08.015)

17.08.030 Parking lot design.

A. All off-street parking facilities shall be designed so as to provide safe and reasonable maneuverability for vehicles within the parking area and enable a vehicle entering the parking area to move from one location to any other location within the parking area without entering a public street. All off-street parking facilities shall be designed in accordance with the city parking standards.

B. Where off-street parking facilities abut any property zoned or used for residential purposes, such facilities shall be separated therefrom by a solid masonry wall six (6) feet in height, provided the wall shall be four (4) feet in height from the front property line to a depth equal to the required front yard setback for the abutting residential zone.

C. All parking lots and driveways shall be surfaced with asphaltic concrete to a minimum thickness of three (3) inches over a minimum aggregate base of six (6) inches or surfaced with Portland Cement concrete with a minimum thickness of five (5) inches over a three (3) inch aggregate base. After review of the probable vehicular traffic and the soils report for the project, additional material may be required at the discretion of the City Engineer.

D. All paved parking areas shall be sloped to drain to a public street, alley, storm drain or natural drainage course and shall not pass over a public sidewalk. Where a drain beneath a sidewalk is used, such drain shall conform to the most recently adopted Standard Specifications for Public Works Construction.

E. All parking areas shall be provided with exterior lighting at one footcandle for the entire surface area. Lighting shall be designed, arranged and installed so as to confine direct rays on to the premises and to direct light away from adjacent structures, premises or streets. Lighting fixtures shall be of an energy saving type.

F. Concrete wheel stops or a six (6) inch high concrete curb shall be installed where parking stalls abut fences, walls or buildings.

G. Directional arrows shall be required for all parking areas in excess of five thousand (5,000) square feet.

H. All parking areas shall be screened from any street through the use of a minimum seven (7) foot planter.

I. In all zones no vehicle, other than a vehicle emerging from a single-family dwelling site, shall have to back into any public street. (Zoning ordinance § 17.08.020)

17.08.040 Parking stall size.

A. Open stalls	The minimum size for each space shall be not less than 8 feet in width by 18 feet in length.
B. Enclosed stalls	The minimum size for each enclosed parking space shall be not less than 10 feet in width by 20 feet in length.

C. Open spaces adjacent to walls in excess of 30 inches in height	Increase above stall width by 2 feet.
D. Space overhanging landscaping	May be reduced by 2 feet with a minimum 7-foot wide planter.
E. Turning radius and aisle width	See city of El Monte parking standards sheet.

(Ord. 2576 §§ 2, 3 (part), 2002; zoning ordinance § 17.08.025)

17.08.050 Parking location.

A. Parking spaces provided for residential uses shall be within one hundred fifty (150) feet of the unit served. For projects with more than one unit on a lot the garage shall not face or open onto a public street.

B. No vehicle shall overhang a public right-of-way or encroach into any public or private easement utilized for ingress or egress. Neither a required side yard abutting a street nor a required front yard shall be used for off-street parking. Where no street side yard setback is required, vehicles shall be parked no closer than six (6) feet to the right-of-way.

C. All required off-street parking shall be located on the same property as the use it serves, except where joint use or reciprocal parking and access agreements have been approved by the Planning Commission.

D. All vehicles must park on paved or otherwise improved surfaces. Surfaces that are paved with materials other than asphalt concrete or Portland Cement concrete are subject to approval by the City Engineer. (Zoning ordinance § 17.08.030)

17.08.060 Vehicle location and storage.

A. For all property zoned and/or used for residential purposes, no person shall park any recreational vehicle (including but not limited to, motor home, dune buggy, camper, camper bus, RV trailer) in any required front or street side yard areas except upon an approved paved driveway access to the garage/carport structure or upon any other approved paved area in the front or street side yard area. A maximum of one recreational vehicle may be parked in the required front or street side yard area; all recreational vehicles must have a valid registration and be registered to the location where stored or parked and shall be in an operable condition; and no vehicle shall park on or extend over any public sidewalk, parkway right-of-way, or any public right-of-way. Notwithstanding the above, no

recreational vehicle (including but not limited to, motor home, dune buggy, camper, camper bus, RV trailer) shall be approved for storage in any required front or street side yard setback if there is room and access to the rear yard for that vehicle. However, in no case shall vehicle access to the garage be obstructed. The use of recreational vehicle for dwelling purposes during storage on a residential property and the connection of utilities, water, or plumbing to a recreational vehicle, except for temporary maintenance purposes, are strictly prohibited.

B. For all property zoned and/or used for residential purposes, no person shall park any automobile in any required front or street side yard areas except upon an approved paved driveway access to the garage/carport structure or upon any other paved area in the front or street side yard area. The paved area including driveways shall not exceed fifty (50) percent of the total area of the required front or street side yard area; no vehicle shall be parked on, or extend over any public sidewalk or parkway right-of-way.

C. For all property zoned and/or used for residential purposes, no person shall use the front yard or required street side yard areas for the placement of any of the following:

1. Any motor vehicle in an inoperable condition, whether assembled or disassembled;
2. Any boat, trailer, camper, truck camper shell;
3. Storage of construction-related equipment, building products or other materials for a period in excess of forty-eight (48) hours, unless a valid building permit is in effect for construction on the premises.

D. No owner or occupant of property zoned and/or used for residential purposes shall maintain or permit to remain on the site: (1) a mobile vendor vehicle, or (2) any commercial vehicle with a manufacturer's specified gross vehicle weight greater than six thousand four hundred (6,400) pounds.

E. For all property zoned and/or used for residential purposes, inoperable vehicles must be located, parked or stored on such parcel of property within an enclosed garage building, with the exception that one inoperable vehicle may be located in the area between the main building and the rear lot line, provided the inoperable vehicle is screened from view from any public, street or residentially used property. (Ord. 2638 § 5, 2004; zoning ordinance § 17.08.035)

17.08.070 Driveways.

A. Driveways serving one dwelling unit shall be a minimum of ten (10) feet in unobstructed width. Driveways serving two (2) to four (4) dwelling units shall be a

minimum of twelve (12) feet in width; with an unobstructed height of not less than thirteen and one-half (13.5) feet. Driveways serving five (5) or more dwelling units shall be a minimum of sixteen (16) feet in width; with an unobstructed height of not less than thirteen and one-half (13.5) feet. However, if the distance between the curb face and the rear most structure is greater than one hundred fifty (150) feet the driveway width shall increase to twenty (20) feet.

B. Ingress/egress for commercial or industrial uses shall be not less than twenty-five (25) feet in unobstructed width. Along arterial streets the minimum shall be increased to thirty (30) feet.

C. Each entrance and exit to an off-street parking facility shall be constructed and maintained so that any vehicle entering or leaving the parking area shall be clearly visible at a distance of not less than ten (10) feet to a pedestrian approaching such entrance or exit.

D. Driveway entrances and drive aisles shall be broken up through the use of stamped concrete or different pavement colors or textures.

E. Driveways used exclusively for ingress and egress shall not exceed fifteen (15) percent slope. Parking stalls and vehicle maneuvering areas shall not exceed five (5) percent slope. (Zoning ordinance § 17.08.040)

17.08.080 Handicapped parking and access.

Handicapped parking shall be provided in accordance with the following requirements:

Total Spaces Required	Handicapped Stalls Required
1—40	1
41—80	2
81—120	3
121—160	4
161—300	5

Spaces shall be not less than nine (9) feet wide, with a five (5) foot wide landing, by twenty (20) feet in length. Additionally, the project must comply with all applicable handicapped parking requirements of the State of California Building Code, Title 24 and the Americans With Disabilities Act. (Zoning ordinance § 17.08.045)

17.08.090 Parking requirements for specific land uses.

Auditorium/multi-purpose room	1 space per 75 square feet of usable assembly area.										
General retail/office	1 space per 250 square feet of floor area for the first 20,000 square feet of gross floor area, 1 space per 400 square feet of floor area for the next 30,000 square feet of gross floor area and 1 space per 500 square feet of floor area after the first 50,000 square feet.										
Group occupancies	1 space per 2 guest rooms in rooming houses and dormitories.										
Health institution	1 space per 500 square feet of gross floor area for office/administrative use plus 0.5 spaces per bed, for hospitals, sanitariums, convalescent homes and homes for the aged.										
Hotel/motel	1 space shall be provided for each living or sleeping unit of each auto court, tourist court, motel, hotel or other transient occupancy.										
Indoor entertainment	1 space per 3 seats for movie theaters or 1 space per 75 square feet of usable floor area for other uses where no fixed seating is provided (dance halls, clubs, etc.)										
Industrial/warehouse	<table> <tr> <th>Square Feet of GFA</th><th>Parking Ratio</th></tr> <tr> <td>Up to 5,000</td><td>1 to 400 = 13</td></tr> <tr> <td>5,001 to 10,000</td><td>1 to 500 = 10</td></tr> <tr> <td>10,001 to 25,000</td><td>1 to 750 = 20</td></tr> <tr> <td>25,001 and up</td><td>1 to 1,500</td></tr> </table> (This is a cumulative requirement: for example a 25,000 sf building requires 13 + 10 + 20 = 43 spaces) (Offices not occupying more than 25% of the total floor area are counted as industrial/warehouse space)	Square Feet of GFA	Parking Ratio	Up to 5,000	1 to 400 = 13	5,001 to 10,000	1 to 500 = 10	10,001 to 25,000	1 to 750 = 20	25,001 and up	1 to 1,500
Square Feet of GFA	Parking Ratio										
Up to 5,000	1 to 400 = 13										
5,001 to 10,000	1 to 500 = 10										
10,001 to 25,000	1 to 750 = 20										
25,001 and up	1 to 1,500										
Off-street loading	For nonresidential uses, one 15-foot by 25-foot space shall be required for every building over 25,000 square feet, 1 full size loading space (15 feet wide, 40 feet long with a 14-foot clearance) per 25,000 square feet of gross floor area shall be required. Full size loading spaces shall be screened from view of adjacent streets.										
On-sale liquor establishment	1 space per 50 square feet of gross floor area.										
Outdoor display	1 space per 2,500 square feet of open area devoted to display, rental or sales. A minimum of 2 off-street spaces shall be required. This requirement applies, but is not limited to, plant nurseries, garden centers, equipment rentals and contractor storage yards.										
Religious institution	1 space per 40 square feet of main assembly area. Additional spaces are required at a rate of 1 space per additional 250 square feet of gross floor area or portion thereof.										

Residential second unit	In addition to the required parking for the principal dwelling, a minimum of 2 uncovered off-street parking spaces shall be provided for an attached or detached residential second unit. The parking spaces shall be adjacent to the second unit or to the existing enclosed parking structure provided for the principal dwelling. The parking spaces may be provided in tandem with each other or at a location approved by the Planning Services Manager. Access to and from all required enclosed and open parking spaces for the principal dwelling as well as the residential second unit shall not block one another and be accessible at all times. No parking shall be permitted within the front setback area.
Residential use:	
R-1A, R-1B	2 parking spaces within a fully enclosed garage for the first 1,200 square feet of gross floor area. A 3-car garage is required for a dwelling unit with an area of 1,200—1,500 square feet. For units greater than 1,500 square feet of gross floor area additional parking spaces are required at a rate of 1 space per each additional 300 square feet of gross floor area or portion thereof.
R-2, R-3, R-4	2 parking spaces within a fully enclosed garage for the first 1,200 square feet of gross floor area. Additional parking spaces are required at a rate of 1 space per each additional 300 square feet of gross floor area or portion thereof. Furthermore, for all residential zones all garages shall have an automatic garage door opener. For single-family homes, either on separate lots or within a planned development, the additional spaces may be located on the garage apron for the dwelling unit provided that the space does not interfere with the common driveway and each additional space is a minimum of 9 feet wide and 23 feet deep.
Restaurant	1 space per 150 square feet of gross floor area.
Self-storage	Parking shall be provided along 30 foot wide parking/driving lanes adjacent to the storage buildings and a minimum of 10 spaces adjacent to the leasing office.
Senior housing and very low/low income	0.5 spaces per unit.
Vehicle related use:	
Auto repair	1 space per 300 square feet of gross floor area.
Auto sales/leasing	1 space per 500 square feet of lot size plus 1 space per 2,500 square feet of outdoor display and storage area.
RVs and related	1 space per 500 square feet of gross floor area plus 1 space per 2,500 square feet of outdoor display and storage area.

(Ord. 2634 § 13 (part), 2004; Ord. 2585 § 11, 2003; zoning ordinance § 17.08.050)

17.08.100 Reduction of required spaces.

A. The alternating use of parking facilities may be approved in cases where parties wish to cooperatively establish and operate parking facilities and where these uses generate parking demands primarily during hours when the remaining uses are not in operation (for example, if one use operates during the daytime or on weekends and the other use operates during the evenings or weekdays only). The burden of proof for a reduction in the total number of required parking spaces, however, shall remain with the applicant, and documentation shall be submitted substantiating the reasons for these requested parking reductions. An alternating use agreement may be approved by the City

Planning Commission upon finding that such a reduction is appropriate and only under the following circumstances:

1. That a sufficient number of spaces shall be provided to meet the greatest parking demand of the alternating uses;
2. That satisfactory statements have been submitted by the parties operating such facilities, describing the nature of the uses and times when such uses operate so as to indicate the lack of conflict between them;
3. That additional documents or agreements as may be deemed necessary in each particular case to assure provision for and the maintenance of the required parking spaces have been provided; and

4. That a deed restriction is placed upon the property specifying permitted uses and other restrictions as deemed appropriate.

B. Parking requirements for a secondary use within the same building as the primary use (for example, a restaurant in a hotel or a shop within a sport facility) may be reduced by up to one-half, upon the determination by the Planning Division that such a reduction is justified.

C. The City Planning Commission may reduce the number of parking spaces required for senior housing by up to fifty (50) percent based upon a finding that the proposed development is located in proximity to commercial activities and services, and is adequately served by public transportation systems.

D. The City Planning Commission may permit up to one-half of the required parking spaces to be uncovered for dwelling units provided exclusively for low- and moderate-income and senior citizen households.

E. The City Planning Commission, based upon a finding that such is appropriate, may count city-owned public parking facilities within one thousand two hundred (1,200) feet of a use, measured from the use's nearest public access to such parking, in waiving all or part of the parking requirements if the sum of the required parking for such facilities is less than the existing parking provided. (Zoning ordinance § 17.08.055)

Chapter 17.10

LANDSCAPING REQUIREMENTS

Sections:

17.10.010	Purpose.
17.10.020	General provisions.
17.10.030	General landscape requirements.
17.10.040	Water efficient landscape requirements.
17.10.050	Water efficient landscape definitions.
17.10.060	Landscape documentation package.
17.10.070	Water efficient landscape criteria.
17.10.080	Existing landscape.
17.10.090	Minor deviations.
17.10.100	Waivers.

17.10.010 Purpose.

A. To establish a procedure to review landscape and irrigation plans consistently;

B. To establish landscape development standards, irrigation methods and suggested plant species to develop a measure of uniformity in overall landscaping design;

C. To promote the value and long-term benefits of landscapes while recognizing the need to invest water and other resources as efficiently as possible;

D. To establish a structure for designing, installing, and maintaining water efficient landscapes for expansion of the existing buildings and new projects. (Zoning ordinance § 17.10.10)

17.10.020 General provisions.

A. The city does not have a required list of planting materials, however, the city encourages the use of native or indigenous plant material and does have a suggested plant list which is consistent with the city's goal for water efficient landscapes.

B. Landscape and irrigation plans shall be required for all projects involving new building construction or expansions to buildings over fifty (50) percent of existing floor area. Such plans shall be submitted for approval to the Planning Division.

C. Installation of all landscaping and irrigation in accordance with the approved plans is required prior to final occupancy approval.

D. Landscape and irrigation plans shall be prepared by a licensed landscape architect or other person qualified by education or experience as being capable of preparing such plans.

E. Landscaping shall consist of combinations of trees, shrubs and ground covers with careful consideration given to eventual size and spread, susceptibility to disease and pests, durability, and adaptability to existing soil and climatic conditions.

F. Landscaping shall be maintained in an orderly and healthy condition. This shall include proper pruning, staking, sowing of lawns, weeding, removal of litter, fertilizing, replacement of plants when necessary, and regular watering.

G. No tree shall be planted within five (5) feet of any structure, or under any eave, overhang or balcony.

H. Landscape materials shall not be located such that at maturity: (1) they interfere with safe site distances for vehicular, bicycle or pedestrian traffic; (2) they conflict with overhead utility lines.

I. All required setbacks including interior and side yards fronting a public right-of-way shall be landscaped (except for walks and driveways which provide access from a public right-of-way).

J. Trees, shrubs, walls, berms and planting islands should be used as much as possible to beautify and break up large expansive parking areas, while at the same time help to channelize traffic.

K. All landscaping shall be separated from parking and vehicular circulation areas by a raised, continuous six (6) inch Portland Cement concrete curb. Other materials which accomplish the same purpose may be approved by the Planning Division.

L. Additional landscaping, in excess of the minimum area required herein, may be deemed necessary to:

1. Screen adjacent uses from parking or storage areas, trash enclosures, on-site utilities, and other similar land uses or elements that could cause a negative impact on adjacent uses based on aesthetics, noise, odors, etc.; or

2. Provide landscaping which is compatible with neighboring uses;

3. Relieve solid, unbroken elevations and soften continuous wall expanse. (Zoning ordinance § 17.10.15)

17.10.030 General landscape requirements.

A. Residential Requirements.

1. All required front yard setbacks, entry patios and rear setbacks, excepting those driveway areas providing ingress and egress, shall be landscaped with a mixture of trees and ground covering, and a plumbing stub out for a future irrigation system.

2. All required private open space shall contain one twenty-four (24) inch box size tree for every six hundred (600) square feet, or portion thereof; and one five (5)

gallon shrub for every fifty (50) square feet of planter area, or portion thereof.

3. A three (3) foot wide driveway planter shall be planted with low growth, wide-spreading ground cover material or clustered five (5) gallon dwarf evergreen shrubs. Trees may be planted only if the driveway planter is six (6) or more feet in width.

4. A minimum of one twenty-four (24) inch box specimen tree shall be planted along the required front yard and street side yard setback for every forty (40) lineal feet of lot frontage, or portion thereof, including driveways.

B. Commercial/Industrial Requirements (Except Auto Dealerships).

1. For parking lots with ten (10) spaces or more, a minimum of five (5) percent of the total off-street parking area shall be landscaped with a mixture of trees, shrubs, and ground cover. Said landscaping shall be distributed throughout the parking area and shall be in addition to the required street setback landscaping. All landscape planters shall be a minimum clear width of four (4) feet.

2. The depth of parking stalls may be reduced by two (2) feet if the minimum planter width is six (6) feet, or seven (7) feet if two (2) rows of vehicles are overhanging the planter.

C. Plants.

1. **Trees.**

a. A minimum of one twenty-four (24) inch box specimen tree of a two and one-fourth (2 1/4) inch caliper trunk diameter, ten (10) feet in height and five (5) foot head diameter, shall be required for every ten (10) parking spaces, or portion thereof, and shall be located throughout the parking area;

b. A minimum of one twenty-four (24) inch box specimen tree shall be required for every twenty-four (24) linear feet of lot frontage, including driveways. Such twenty-four (24) inch box trees shall be planted in a planter having no less than ten (10) feet in width; and

c. A sixty (60) inch box specimen tree of a ten (10) inch caliper trunk diameter, twenty (20) feet in height and ten (10) foot head diameter, shall be required as a replacement for every fully mature and established tree, which is damaged or is destroyed during construction.

2. **Shrubs.**

a. A minimum of one shrub shall be provided for every twenty (20) square feet of landscaped area or other turf areas. Seventy-five (75) percent of the required shrubs shall be a minimum of five (5) gallons.

b. The number of required shrubs may be reduced by the Planning Services Manager when it is determined that an alternative design will meet the intent of the landscaping requirements.

c. All five (5) gallon size shrubs, when planted as high ground cover, shall be of low, spreading type evergreen shrubs placed eighteen (18) inches on center.

d. All one gallon size shrubs, when planted as high ground cover, shall be of low, spreading type evergreen shrubs placed eighteen (18) inches on center.

3. **Ground Covers.**

a. Materials such as crushed rock, redwood chips, pebbles and stones are not satisfactory substitutes for live plant materials although their limited use may be approved by the Planning Services Manager.

b. Artificial plant material is not acceptable.

c. Depending on the type of ground cover planted, ground cover should be spaced at a maximum of one foot on center.

d. Ground cover areas shall be planted with well rooted cuttings or container stock. Turf areas shall be planted with field-grown established sod or hydroseed. (Zoning ordinance § 17.10.20)

17.10.040 Water efficient landscape requirements.

The following sections are applicable to new or rehabilitated landscaped areas, except as provided for in subsection C of this section.

A. All new and rehabilitated landscaping for public agency projects and private development projects that require a grading permit, building permit, or use permit (except demolition permits) including developer-installed landscaping in single-family and multifamily projects.

B. No building permits shall be issued until the city reviews and approves a landscape documentation package conforming to Section 17.10.060.

C. The water efficient landscape requirements shall not apply to:

1. Homeowner-provided landscaping at single-family and multifamily projects;

2. Cemeteries, parks, golf courses, schools and similar open spaces;

3. Historical sites registered with the city, State Office of Historic Preservation or National Register;

4. Ecological restoration projects that do not require a permanent irrigation system; and

5. Any project with a landscaped area less than two thousand five hundred (2,500) square feet. (Zoning ordinance § 17.10.25)

17.10.050 Water efficient landscape definitions.

"Ecological restoration project" means a project where the site is intentionally altered to establish a defined, indigenous, historic ecosystem.

"Hydrozone" means a portion of the landscaped area having plants with similar water needs that are served by a valve or set of valves with the same schedule. A hydrozone may be irrigated or nonirrigated. For example, a naturalized area planted with native vegetation that will not need supplemental irrigation once established is a nonirrigated hydrozone.

"Infiltration rate" means the rate of water entry into the soil expressed as a depth of water per unit of time (inches per hour).

"Landscaped area" means the entire parcel less the building footprint, driveway, nonirrigated portions of parking lots, hardscape such as decks and patios and other nonporous areas. Water features are included in the calculation of the landscaped area. Areas dedicated to edible plants, such as orchards or vegetable gardens, are not included.

"Mulch" means any material such as leaves, bark, straw, compost manure or other materials left loose and applied to the soil surface to reduce evaporation.

"Overspray" means the water which is delivered beyond the landscaped area, wetting pavements, walks, structures or other nonlandscaped areas.

"Rain sensing device" means system which automatically shuts off the irrigation system when it rains.

"Recreational area" means areas of active play or recreation such as sports fields, school yards, picnic grounds, or other areas with intense foot traffic.

"Rehabilitated landscape" means any re-landscaping project that requires or is a component of a required permit, including a grading permit, building permit or use permit.

"Runoff" means water which is not absorbed by the soil or landscape to which it is applied and flows from the area. For example, runoff may result from water that is applied at too great a rate (application rate exceeds infiltration rate) or when there is a severe slope.

"Soil moisture sensing device" means a device that measures the amount of water in the soil.

"Turf" means a single-bladed grass or sod. (Zoning ordinance § 17.10.30)

17.10.060 Landscape documentation package.

A copy of the landscape documentation package containing the following elements shall be submitted to the Planning Division for its review and approval.

A. Landscape Design Plan. A plan meeting the following requirements shall be submitted as part of the landscape documentation package.

1. Landscape Plan Specifications.

a. Designation of hydrozones and a description of water usage within said hydrozones (low, moderate, and high irrigation water requirements);

b. Landscape materials, trees, shrubs, groundcover, turf and other vegetation. Planting symbols shall be clearly drawn and plants labeled by botanical name, common name, container size, spacing, and quantities of each group of plants indicated;

c. Property lines and street names;

d. Streets, driveways, walkways, and other paved areas;

e. Pools, ponds, water features, fences, and retaining walls;

f. Existing and proposed buildings and structures including pad elevations if applicable;

g. Natural features including but not limited to rock outcroppings, existing trees, shrubs that will remain;

h. Tree staking, plant installation, soil preparation details, and any other applicable planning and installation details;

i. A calculation of the total landscaped area and percentage of turf area;

j. Designation of recreational areas.

2. Plant Selection and Grouping Specifications.

a. Plants having similar water use shall be grouped together in distinct hydrozones.

b. Plants shall be selected appropriately based upon their adaptability to the climatic, geological, and topographical conditions of the site. Protection and preservation of native species and natural areas is encouraged. The planting of trees is encouraged wherever it is consistent with the other provisions of this chapter.

c. A list of recommended planting materials shall be kept on file with the Planning Division and made available upon request. Alternative materials may be used when the overall landscape plan conforms with the intent of this chapter.

d. Fire prevention needs shall be addressed in areas that are fire prone.

3. Water Feature Specifications.

a. Recirculating water shall be used for decorative water features.

b. Pool and spa covers are encouraged.

B. Irrigation Design Plan. An irrigation plan meeting the following requirements shall be submitted as part of the landscape documentation package:

1. Runoff and Overspray. Soil types and infiltration rate shall be considered when designing irrigation systems. All irrigation systems shall be designed to avoid runoff, low head drainage, overspray, or other similar conditions where water flows onto adjacent property, non-irrigated areas, walks, roadways, or structures. Proper

irrigation equipment and schedules, including features such as repeat cycles, shall be used to closely match application rates to infiltration rates therefore minimizing runoff.

Special attention shall be given to avoid runoff on slopes and to avoid overspray in planting areas with a width less than ten (10) feet, and in median strips.

2. Equipment.

a. Water Meters. Separate landscape water meters shall be installed for all projects except for single-family homes or any project with a landscaped area of less than five thousand (5,000) square feet.

b. Controllers. Automatic control systems shall be required for all irrigation systems and must be able to accommodate all aspects of the design. Program controllers with moisture sensor capabilities shall be used where appropriate.

c. Valves. Plants which require different amounts shall be irrigated by separate valves. If one valve is used for a given area, only plants with similar water use shall be used in that area. Anti-drain (check) valves shall be installed in strategic points to minimize or prevent low-head drainage.

d. Sprinkler Heads. Heads and emitter shall have consistent application rates within each control valve circuit. Sprinkler heads shall be selected for proper area coverage, application rate, operating pressure, adjustment capability, and ease of maintenance.

e. Rain Sensing Override Devices. Rain sensing override devices shall be required on all irrigation systems.

f. Soil Moisture Sensing Devices. It is recommended that soil moisture sensing devices be considered where appropriate.

3. Irrigation Design Plan Specifications. The irrigation systems shall be designed to be consistent with hydrozones and the design plan shall accurately and clearly identify:

a. Location and size of separate water meters for the landscape;

b. Location, type, and size of all components of the irrigation system, including but not limited to automatic controllers, main and lateral lines, valves, sprinkler heads, moisture sensing devices, rain switches, quick couplers, and backflow prevention devices;

c. Static water pressure at the point of connection to the public water supply; and

d. Flow rate (gallons per minute), application rate (inches per hour), and design operating pressure (psi) for each station.

C. Certificates of Substantial Completion. Prior to the final of building permits, the developer shall submit

a certificate of substantial completion to the city utilizing forms designated for this purpose.

D. Such other information as deemed necessary by the Director of Community Development including, but not limited to, a grading design plan and/or soil analysis. (Zoning ordinance § 17.10.35)

17.10.070 Water efficient landscape criteria.

A. Plans submitted in accordance with the landscape documentation package shall be reviewed for compliance with the water efficient landscape criteria. These comprise a point system with points awarded for both landscape and irrigation techniques.

B. A minimum of one hundred (100) points shall be achieved in each category.

Landscape Techniques	Points
Water conserving plants, and/or plants native to hot/dry summers, utilizing seventy-five (75) percent of the plant area of the landscape.	40
Turf limited to thirty (30) percent of the total landscape area in residential projects; twenty (20) percent of the total landscape in all other projects. In no case shall turf make up more than fifty (50) percent of the total landscape.	30
Use of creative, thoughtful and diverse hydrozones to enhance the overall landscape design, with plants grouped based on the amount of water needed to sustain them.	30
Mulch utilized in the landscape, three (3) inches minimum, four (4) inches is preferred.	10
Hardscape, or nonirrigated surfaces used in at least ten (10) percent of the total landscape.	10
The use of a proven water-conserving turf.	10
Soil amendments to improve water holding capacity of soil incorporated into soil preparation details.	10
Irrigation Techniques	Points
Low-water volume irrigation system.	30
Automatic irrigation system adjusted seasonally and with watering hours between ten p.m. and six a.m.	30
Irrigation system designed to water different hydrozones based on watering need (drip/trickle for shrubs, separate valves, etc.)	20
Sensitive to slope factors.	10
Soil moisture sensors used in conjunction with an automatic irrigation system.	30
Rain sensors in conjunction with an automatic irrigation system.	10
Wind sensors in conjunction with an automatic irrigation system.	30
Recommended annual irrigation schedule for informational purposes.	10
Use of reclaimed or recycled water in accordance with Health and Safety Codes.	50

C. Additional comparable points (not to exceed thirty (30)) may be awarded for the use of any water conserving method not listed above which the Community Development Department finds to be in accord with the purposes of this chapter. (Zoning ordinance § 17.10.40)

17.10.080 Existing landscape.

A. Water waste resulting from inefficient landscape irrigation leading to excessive runoff, low head drainage, overspray, and other similar conditions where water flows onto adjacent property, nonirrigated areas, walks, roadways or structures is prohibited.

B. All landscape areas, whether installed pursuant to this chapter or not, shall be maintained in a healthful and sound condition. Irrigation systems and their components shall be maintained in a fully functional manner consistent with the originally approved design and the provisions of this chapter.

C. Landscapes shall be maintained to ensure water efficiency. A regular maintenance schedule should include but not be limited to checking, adjusting, and repairing irrigation equipment; resetting the automatic controller; aerating and dethatching turf areas; replenishing mulch; fertilizing; pruning; and weeding in all landscaped areas. (Zoning ordinance § 17.10.45)

17.10.090 Minor deviations.

A. The Planning Services Manager, without public hearing, may grant modifications allowing minor deviations from ordinance requirements limited to the following:

1. Minor modifications to approved landscaping, irrigation or grading plans which comply with the spirit and intent of this chapter, including but not limited to revising or substituting plant varieties, container sizes, plant locations, irrigation specifications, hardscape components, berm heights, berm locations, slope features, and the like, and;

2. Modification of planting, installation and/or soil preparation details.

B. The Planning Services Manager's decision may be appealed to the Planning Commission in writing. The Commission shall decide the matter de novo. A public hearing shall not be required in granting a minor deviation. (Zoning ordinance § 17.10.50)

17.10.100 Waivers.

A. Whenever in this chapter a landscape documentation package is required, the Planning Commission may, in the exercise of its sound discretion, waive the requirement of a landscape documentation package, if it finds the following factors to exist:

1. Total landscaped area does not exceed five thousand (5,000) square feet.

2. No waiver under this section has been granted with respect to the same parcel within a period of one year prior to the pending application for waiver hereunder.

3. The interests of water efficiency and water conservation will not be adversely affected.

B. Applications for waiver under this section shall be made in writing by the property owner or authorized representative and shall demonstrate the existence of the factors required by this section. (Zoning ordinance § 17.10.55)

Chapter 17.12

SIGNS STANDARDS

Sections:

17.12.010	Purpose.
17.12.020	General provisions and requirements.
17.12.030	Definitions.
17.12.040	Submittal procedures.
17.12.050	Permitted signs—All R, SH, RMP and PRD zones.
17.12.060	Permitted signs—All office, commercial, industrial and mixed use zones.
17.12.070	Freestanding signs.
17.12.080	Design guidelines.
17.12.090	Temporary signs.
17.12.100	Exempt signs.
17.12.110	Prohibited signs.
17.12.120	Abatement of signs.
17.12.130	Removal of temporary off-site signs.
17.12.140	Cost for the removal of temporary off-site signs.
17.12.150	Hearing.
17.12.160	Fees.

17.12.010 Purpose.

The purpose of this chapter is to establish sign regulations that are intended to:

- A. Aid the public's orientation and to advertise and identify business and activities;
- B. Promote the appearance of the city as an attractive place to live, work, and trade by controlling and regulating the design, quality of materials, location, scale, illumination, and maintenance of signs; and
- C. Provide minimum standards designed to safeguard the health, safety, and public welfare while encouraging flexibility, variety and compatibility. (Zoning ordinance § 17.12.010)

17.12.020 General provisions and requirements.

A. The provisions contained within this chapter shall apply to all signs which are placed on private property, except for property located within the "Downtown El Monte Retail Core" as defined in El Monte Municipal Code Chapter 17.72.

B. It is unlawful for any person, entity or corporation to affix, install, construct, reconstruct, display, alter or relocate any sign without first complying with the

requirements of this chapter. Any person, entity or corporation affixing, installing, constructing, reconstructing, displaying, altering or relocating any sign not in compliance with this chapter shall be subject to the remedies contained in Chapter 17.06 and/or the remedies contained within this chapter.

C. All signs shall be professionally painted, lettered and installed and maintained in good condition at all times including the replacement of damaged or broken letters, faded colors, or missing lights from illuminated signs.

D. Signs shall be architecturally integrated into the overall building design and harmonious with the materials, color, texture, scale, size, shape, height, placement, and design of the building, property, and neighborhood of which it is a part.

E. Exterior or exposed raceway or conduit is prohibited.

F. Unshielded light bulbs in excess of twenty-five (25) watts per lamp which may be seen from the public street or any property line shall not be used in conjunction with any sign, except neon signs.

G. No sign may be designated, lighted, placed or displayed that would in any way simulate any type of traffic, emergency vehicle or emergency control or direction device or create a situation which is determined to be a traffic hazard by the City Engineer.

H. Every building must have a street number in arabic numerals at a size of six (6) inches and be readily visible from the street. Numbers any larger may be considered a sign.

I. Unless otherwise specified, a sign containing text or graphic material which can be viewed from not more than two (2) surfaces of a single structure shall be considered a single sign; provided that the maximum distance between the two viewing surfaces shall not exceed four (4) feet at any point. (Zoning ordinance § 17.12.015)

17.12.030 Definitions.

As used in this chapter:

"Abandoned sign" means any sign remaining in place or not maintained for a period of ninety (90) days which no longer identifies an ongoing business, product, or service available on the property where the display is located.

"Abatement" means the process by which the city requires removal of signs that do not conform to the provisions of this chapter and/or the process by which the city requires conformance to the provisions of this chapter.

"Awning or canopy sign" means a sign which is painted, sewn, stained, etc., onto the exterior surface of an

awning or canopy and which does not extend beyond the edge(s) of said awning or canopy.

"Balloon sign" means a lighter than air or gas-filled balloon or similarly inflated device tethered to a fixed location which may or may not include text or graphics.

"Banner sign" means a cloth, paper or fabric sign suspended from a building, structure, light standard, or utility pole.

"Changeable copy sign" means a sign in which at least fifty (50) percent of the sign area is designed to be used with removable graphics to allow the changing of copy, including but not limited to electronic message centers.

"Channel letters" means individual three (3) dimensional letters or figures, with an open back or front, which may or may not be illuminated.

"Construction sign" means a temporary sign erected on the site where the construction is taking place, during the period of such construction, indicating the name of individuals or firms having a role or interest in such project.

"Development project sign" means a temporary sign identifying a proposed development project or one under construction, and which is located on the site of the project.

"Directional sign" means an on-site sign limited to directional messages of a nonadvertising nature: such as, address, "one way," "exit," and "entrance."

"Directory sign" means a freestanding or wall sign which vertically lists the names of all business tenants in a multitenant building or shopping center.

"Eave sign" or "overhang sign" means a sign applied to the face of a building facade eave or overhang, parallel to the subject facade and not extending above the building roof line.

"Election sign" means a sign that advertises a candidate for public office, a proposition or other issue to be voted on by the electorate.

"Facade area" means the area of the facade used to calculate the maximum allowable sign area. The calculation includes the width of the facade or lease line, whichever is less, multiplied by the height of the facade or lease line, whichever is less. The width and height measurement shall not include the height of a sloped or pitched roof or any architectural projection.

Facade, Primary. "Primary facade" means the facade containing the primary building or business entrance or the facade facing the primary street. The property owner shall determine the primary facade if the primary building or business entrance does not face the primary street. If a building faces two (2) or more streets, the primary facade shall be the facade facing the street where the building is addressed.

Facade, Secondary. "Secondary facade" means the facade facing a parking lot, alley or nonprimary street.

"Fence sign" means a sign which is mounted on a fence or wall other than a building wall.

"Fin sign" means a sign applied to or constructed as part of a vertical architectural element integral to the design and construction of a building facade.

Flag Sign. (Reserved for future text.)

"Flashing sign" means an illuminated sign which exhibits changing light or color effects by any means so as to provide a nonconstant level of illumination. Flashing signs include but are not limited to animated, blinking, and scintillating signs. However, changeable copy signs are excluded.

"Freestanding sign" means a sign permanently affixed to the ground by poles, pylons, braces or similar supporting structures and which is not a part of or attached to any building. Freestanding signs include monument signs, pole signs, and other similar signs.

"Government sign" means any sign erected and maintained pursuant to and in discharge of any governmental function and/or regulation of a public utility operation and public school.

"Illuminated sign" means a sign for which an artificial source of light is used in order to make the sign's message readable, including internally and externally lighted signs and reflectorized, glowing, radiating or solar powered signs.

"Legal nonconforming sign" means a sign which was legally installed in conformance with ordinances in effect at the time the sign was installed, but which is in conflict with a subsequently adopted ordinance.

"Logo" means a trademark or company name symbol identifying the business or service provided and which may be all or part of a sign.

"Marquee" means a permanent, projecting structure attached to and supported by a building wall, which may project over a public right-of-way.

"Master sign plan" means a coordinated program of signage for new or existing commercial, office or industrial centers, complexes, or parks which contain more than one business establishment or tenant.

"Moving sign" means any sign or device which has any visible moving or revolving part or visible mechanical or nonmechanical movement.

"Mural" means a picture on an exterior surface of a structure that does not pertain to the business, product, or services on the premises.

"Nameplate" means a nonelectric on-premises identification sign which contains only the name and/or address of an occupant or group of occupants of a property.

"On-site sign" means a sign which identifies the business, establishment, or type of activity conducted on the same premises, or the product, service, or interest being offered for sale, rent, or lease thereon.

Outdoor Advertising Structures, Off-site Signs or Billboards. See El Monte Municipal Code Chapter 17.70.

"Painted sign" means a sign which is painted directly onto a building facade.

"Pennant" means devices generally made of flexible materials, such as cloth, paper, plastic, or vinyl which may or may not contain copy and which are primarily intended to draw attention.

"Political sign" means a sign advocating any political idea or message that is not voted on by the electorate.

"Portable sign" means a sign not permanently affixed to a building, structure or the ground.

"Primary street" is the greater of two (2) streets as defined in the El Monte general plan, master plan of roadways. Where two (2) streets of the same classification intersect, the primary street shall be the street with the greatest property frontage.

"Projecting sign" means a sign which is attached to and projects from, a structure or building facade, with the display surface of the sign possessing a plane not parallel to the building facade or structure to which it is attached.

"Real-estate sign" means a sign pertaining to the sale, lease or rental of the premises, or a portion of the premises, on which the sign is located.

"Roof sign" means a sign that is mounted on the roof of a building or which is wholly dependent upon a building for support and any portion of which projects above the highest point of the roof line or main parapet of a flat roofed building.

"Sign" means any object, device, display or structure, or part thereof, situated outdoors or indoors which is used to advertise, identify, display, direct, or attract attention to any object, person, institution, organization, business, project, service, event, or location by any means including but not limited to words, letters, graphics, figures, design symbols, fixtures, colors, illumination, or projected images.

"Sign area" means the entire area of a sign if enclosed by a frame, trim or outline or the area within a single, continuous perimeter enclosing the extreme limits of the sign copy.

"Sign copy" means any words, letters, graphics, numbers, text, figures, logos or other symbolic representation incorporated into a sign.

"Sign face" means the area of display used for a sign.

"Sign structure" means any edifice or framework which supports or is capable of supporting a sign.

Temporary Sign, On-Site. "On-site temporary sign" means a sign, placard, poster, banner, or similar device that is temporary in nature because of the materials used in construction and that relates to an event, product, program, or service offered on the site where the sign is displayed.

Temporary Sign, Off-Site. "Off-site temporary sign" means a sign, placard, poster, banner, or similar device that is temporary in nature because of the materials used in construction and that relates to an event, product, program, or service that is not offered on the site where the sign is displayed.

"Total sign area" means the combined area of each permanent sign located on the premises.

"Wall sign" means a sign which is mounted flush and affixed securely to a building wall, projecting no more than eighteen (18) inches from said wall and not extending sideways beyond the building face or above the highest line of the building wall to which it is attached.

"Window sign" means any sign which is painted, posted, or displayed on an exterior translucent or transparent surface including windows and doors, either permanently or temporarily, or which is placed within five (5) feet of the face of any window or door and is intended to be viewed from the outside or is oriented to the exterior of the building.

"Authorized city employee" means any city employee within an employment classification that has been duly authorized by the City Administrator to remove signs not in compliance with Section 17.12.130 of this chapter. (Zoning ordinance § 17.12.020)

17.12.040 Submittal procedures.

A. Freestanding Buildings. A sign permit shall be obtained from the Planning Division prior to the installation, alteration or relocation of any sign. The procedures for applying for a sign permit are as follows:

1. Complete a sign permit application and pay the applicable fee;
2. Submit three (3) copies of a site plan and building elevations indicating the street frontage, width and height dimensions of the building and photographs of the building and any freestanding signs;
3. Submit three (3) copies of sign plans drawn to scale indicating the following:
 - a. Overall sign dimensions,
 - b. Letter colors (maximum four (4) colors),
 - c. Background colors,
 - d. Trim cap color,
 - e. Letter styles,
 - f. Method of illumination,
 - g. Method of attachment, and typical cross-section,

h. Reader panel on freestanding signs, if applicable, and

i. Directional signs, if applicable.

B. Multiple Tenant Centers. All properties with more than one tenant or business shall receive approval for a master sign program prior to any permits for new signs being issued for individual tenants (there is no fee to submit a master sign program). The property owner or authorized agent shall submit a master sign program containing:

1. Property owner/property management submittal requirements and approval procedures;
2. General sign criteria including:
 - a. Permitted sign colors (maximum four (4) colors),
 - b. Permitted background color (must be a uniform color),
 - c. Permitted trim cap color,
 - d. Permitted letter styles,
 - e. Sign locations and spacing,
 - f. Method of illumination,
 - g. Method of attachment, and
 - h. Typical cross-section.
3. Criteria for freestanding signs, directional signs, reader board signs (background color must be white or off-white), etc.

4. Property owners are strongly encouraged to name the commercial complex to assist future tenants and customers in identifying the commercial complex. It is further recommended that the name be prominently located on the freestanding sign occupying twenty-five (25) percent of the freestanding sign area. (Zoning ordinance § 17.12.025)

17.12.050 Permitted signs—All R, SH, RMP and PRD zones.

A. One identification sign per dwelling, not exceeding four (4) square feet in area, containing the names and/or the address of the occupant of the premises. No sign permit shall be required.

B. For properties developed with three or more units, one multifamily complex identification sign not to exceed thirty-two (32) square feet in area. Such sign shall be placed flat against the building, mounted on a block wall or shall be a freestanding monument sign not to exceed six (6) feet in height. Any illumination shall be limited to subdued spotlighting.

C. One unlighted detached real estate sign per lot or one sign per unit within a common lot subdivision. Said sign shall not exceed twelve (12) square feet in area or six (6) feet in height.

D. A religious institution may locate one freestanding sign for each street frontage of at least fifty (50)

lineal feet, provided the maximum sign area does not exceed forty (40) square feet or the sign's height does not exceed six (6) feet, unless other sign provisions are approved pursuant to law. Changeable copy shall be permitted on freestanding signs. (Zoning ordinance § 17.12.030)

17.12.060 Permitted signs—All office, commercial, industrial and mixed use zones.

A. Painted wall signs are permitted, however, no more than two (2) such signs per business are permitted. Painted wall signs shall be painted directly upon the surface of the building. Furthermore, painted wall signs cannot be mixed with other sign types (e.g. channel letters, canister signs, etc.) on a single facade.

B. Permanent window signs are permitted, but shall cover no more than twenty-five (25) percent of the individual window area. Additionally, temporary window signs are permitted but the total window sign area shall not exceed fifty (50) percent of the individual window area.

C. The total allowable sign area per facade for all permanent signs (including freestanding signs and reader panels, but excluding window signs) shall be determined as follows:

1. Permitted sign area for occupancies with less than fifty (50) feet of primary facade:

a. Fifteen (15) percent of the facade area for the primary facade.

b. Ten (10) percent of the facade area for the secondary facade.

2. Permitted sign area for occupancies fifty (50) feet or more of primary facade:

a. Ten (10) percent of the facade area for the primary facade.

b. Seven (7) percent of the facade area for the secondary facade.

3. Properties with only one building and one tenant are entitled to an additional five (5) percent of total sign area if there is no pole sign.

D. The only sign permitted above the first floor of a multistory building is a building identification sign or major tenant sign as designated by the property owner. (Zoning ordinance § 17.12.035)

17.12.070 Freestanding signs.

A. Freestanding signs shall be proportional to the building height and the sign canister shall be proportional to the pole height. Furthermore, freestanding signs shall not exceed an overall height of twenty-five (25) feet

unless the business is regional in nature and the sign is approved under a conditional use permit.

B. One freestanding sign for every one hundred fifty (150) feet of lot frontage or part thereof; provided, however, that no freestanding sign may be located less than one hundred (100) feet from another freestanding sign on the same parcel of property, and provided further that no freestanding sign shall be located less than twenty (20) feet or twenty-five (25) percent of the lot frontage, whichever is less, to the side property line. Every freestanding sign and supporting poles and structures shall be covered with a material to match or complement the main structure.

C. The maximum allowable freestanding sign area is one square foot per lineal foot of primary street frontage. However, in no case shall the total aggregate sign area exceed that permitted under Section 17.12.060.

D. Freestanding signs must be located within a landscaped area or island which is of a size that is at least one-half the area of the total sign area.

E. The clearance underneath freestanding signs projecting over a public right-of-way shall be as follows:

Clearance	Maximum Projection
Less than 8 feet	Not permitted
8 feet	1 foot
8 feet—16 feet	1 foot plus 6 inches for every foot over 8 feet
Over 16 feet	5 feet

However in no case shall signs project within two (2) feet to the curb face. An encroachment permit must be obtained for all signs projecting over a public right-of-way. (Zoning ordinance § 17.12.040)

17.12.080 Design guidelines.

A. Signs and sign copy shall not crowd the edges of the building, cornice line, architectural features or the sign canister which contains the sign copy.

B. A maximum of four (4) colors are permitted for the sign copy on any single sign and a maximum of four (4) colors are permitted for the sign copy on all signs within a multiple tenant center.

C. All signs within a multiple tenant center must have a uniform background color.

D. Signs must be evenly distributed throughout the tenant space and within the multiple tenant center.

E. Signs constructed of plywood, MDO, or MDF shall be finished as follows:

1. The material shall be approved for outdoor use;

2. The sign face and sides of the sign must be smooth;

3. The sign shall have a border painted on or attached to it;

4. The sign shall be mounted at least one inch away from the surface it is attached to;

5. All surfaces of the sign shall be finished with exterior quality finishes; and

6. The anchor bolts shall not be visible.

F. The maximum sign area permitted may be increased by up to ten (10) percent and the background color and the maximum number of colors on a sign may also be increased subject to an administrative hearing by the Planning Services Manager. Approval shall be granted based upon unique building characteristics or design, unique sign design or unique site planning. Requests for increases greater than ten (10) percent, shall be subject to approval of a design review by the City Planning Commission pursuant to the provisions of this title. The fee for such design review requests shall be one-half the fee for other commercial requests.

G. Except as stated above, the standards contained herein are the maximum allowed. The Planning Services Manager has the duty and authority to review and approve all sign permits and to reduce the allowable sign area or to require relocation of the sign to improve the aesthetic or advertising value of the sign. (Zoning ordinance § 17.12.045)

17.12.090 Temporary signs.

A. Temporary Exterior Signs.

1. Temporary exterior signs shall be constructed of the following materials only: canvas, vinyl, nylon or similar mesh which is tear-resistant.

2. Temporary exterior signs are permitted subject to approval of a temporary sign permit. Such signs are limited to a maximum of thirty (30) days, within a one hundred eighty (180) day period.

3. A maximum of two (2) temporary exterior signs are permitted for each single tenant building and one temporary exterior sign is permitted for each tenant within a multiple tenant building or complex. The total maximum sign area for temporary signs is thirty (30) square feet or five (5) percent of the primary facade area, whichever is greater.

4. Two (2) temporary signs not exceeding a total of one hundred (100) square feet in area identifying persons engaged in construction on a site, may be located in any nonresidential zone, as long as construction is in progress, but not to exceed a twelve (12) month period.

B. Temporary Window Signs.

1. Temporary window signs may be constructed of paper provided the sign is professionally printed and lettered on heavyweight art paper or similar material. Newsprint and computer print-out paper are prohibited.

2. A maximum of two (2) temporary window signs are permitted for each single tenant building and one temporary window sign is permitted for each tenant within a multiple tenant building or complex. The total maximum sign area for temporary window signs is thirty (30) square feet or twenty-five (25) percent of the window area, whichever is greater.

3. Temporary window signs are permitted subject to approval of a temporary sign permit. Such signs may be continuously displayed, however, sign copy must be changed or revised a minimum of every sixty (60) days. (Zoning ordinance § 17.12.050)

17.12.100 Exempt signs.

The provisions of this chapter shall not apply to the following type of signs:

A. Signs within buildings not constituting "window signs";

B. Community or civic event signs on or over public property, subject to the approval of the City Council;

C. Nonadvertising signs not exceeding a total of six (6) square feet in area, such as "No Trespassing," "Private Property," "Beware of Dog," "MasterCard," "Visa" or hours of operation;

D. Directional signs not exceeding eight (8) square feet;

E. Menu boards for restaurants which display the actual customer menu, but not exceeding twelve (12) square feet;

F. A maximum of two (2) signs which identify a property or property improvement for sale, lease, or rent which are posted upon the subject property, when the area does not exceed sixteen (16) square feet per side;

G. Nameplates of four (4) square feet or less per occupant, and twenty (20) square feet in the aggregate, when affixed to entrance/exit doors of the business/building;

H. Government signs. (Zoning ordinance § 17.12.055)

17.12.110 Prohibited signs.

All signs not specifically permitted, excepted or exempted from these regulations are prohibited. Such signs include, but not be limited to, the following:

A. Blinking or flashing signs, except time and temperature signs;

B. Moving, rotating or revolving signs;

C. Roof signs, including signs projecting above the eave or roof line; existing roof signs may remain if there is no other location for a freestanding sign and the City Planning Commission approves a design review application;

D. Signs in the public right-of-way, except governmental signs;

E. Signs attached to utility poles, except those specifically approved in writing by the utility company;

F. Windblown devices and balloons, except for vehicle sales lots;

G. Signs attached to trees, fences, light standards, on-site power poles and poles or structures not designed or constructed as a sign structure;

H. Signs painted or attached to plywood or similar material (except as specified in Section 17.12.080E);

I. Any sign constructed of paper or similar material which makes use of chalk, felt pen, fluorescent paint, grease pencil, or similar medium; and

J. Any sign applied directly on the interior or exterior of a translucent or transparent surface including windows and doors by the use of chalk, felt pen, fluorescent paint, grease pencil or similar medium;

K. Signs attached to motor vehicles, except as follows:

1. The sign is permanently or magnetically affixed to the vehicle, and

2. The sign is not attached in a manner that renders the vehicle immobile, or in a manner that violates the California Vehicle Code;

L. Portable signs including, but not limited to, A-frame signs and sandwich boards;

M. Billboards or outdoor advertising structures. (Ord. 2522 § 4, 2000; zoning ordinance § 17.12.060)

17.12.120 Abatement of signs.

A. Abandoned Signs. Any sign or sign structure which is defined as abandoned when this chapter becomes effective shall be removed within eight (8) months of the effective date of the ordinance codified in this chapter.

B. Illegal Signs. Any sign or sign structure which was affixed, installed, moved or reconstructed illegally shall be removed within eight (8) months of the effective date of the ordinance codified in this chapter.

C. Legal Nonconforming Signs. Any sign or sign structure which is currently defined as legal nonconforming or is made legal nonconforming by adopting of the ordinance codified in this chapter, shall be made to conform to the requirements of this chapter based upon the following schedule:

1. Moving and flashing signs shall no longer move or flash after January 1, 1996.

2. Freestanding signs higher than twenty-five (25) feet which have not been granted a conditional use permit shall be removed or shall obtain a conditional use permit by March 12, 2000.

3. Roof signs and wall signs which project above the roof line shall be removed by March 12, 2000, except as specified above.

4. Wall signs in excess of seven-tenths square feet of display area for every lineal foot of building perimeter or two (2) square feet of display area for every lineal foot of lot frontage, whichever is less, shall conform by March 12, 2000.

5. Any sign which is made nonconforming by adoption of the ordinance codified in this chapter shall conform by the fifteenth year following adoption of said ordinance. (Zoning ordinance § 17.12.065)

17.12.130 Removal of temporary off-site signs.

A. A temporary off-site sign that advertises or promotes car shows, competitions, contests, dances, jobs, night clubs, restaurants, revivals, trade/product shows, weight loss programs or similar events, products, programs, services or shows is deemed a public nuisance and subject to the following:

1. Any sign described above that is placed on or projects over the public right-of-way or that is placed on a utility pole is subject to summary abatement and removal by any authorized city employee.

2. Any sign described above that is on private property is subject to summary abatement and removal if the authorized city employee has the permission of the person in lawful possession of the property to do so.

B. A temporary off-site sign that advertises a real estate open house that is placed on or projects over the public right-of-way or that is placed on a utility pole is deemed a public nuisance.

1. A total of two (2) real estate open house signs not exceeding six (6) square feet each may be displayed on a parkway during the hours of the open house only.

2. Real estate open house signs that are on the public sidewalk, a street median, a utility pole, or remain after the hours of the open house are subject to summary abatement and removal by any authorized city employee. Further, any real estate open house sign beyond the first two (2) is subject to summary abatement and removal by any authorized city employee.

C. A temporary off-site sign that advertises a yard sale at a residential dwelling unit that is placed on or projects over the public right-of-way or that is placed on a utility pole is deemed a public nuisance.

1. A total of two (2) yard sale signs not exceeding six (6) square feet each may be displayed on private property not more than twenty-four (24) hours before the sale begins and must be removed at the end of the day(s) of the sale. If the sale is on consecutive weekends, the signs must be removed at the end of the first sale date(s) and may not be displayed more than twenty-four (24) hours in advance of the second sale date(s).

2. Yard sale signs that are placed on or project over the public right-of-way or that are placed on utility poles are subject to summary abatement and removal by any authorized city employee. Further, any yard sale sign beyond the first two (2) is subject to summary abatement and removal by any authorized city employee.

D. A temporary off-site sign that is defined as an "election sign" that is placed on or projects over a public right-of-way or that is placed on a utility pole is deemed a public nuisance.

1. Election signs may be placed on private property not more than forty-five (45) days before the date of the election and must be removed not more than seven (7) days following the election.

2. Election signs that are placed on or project over the public right-of-way are subject to summary abatement and removal by any authorized city employee. (Zoning ordinance § 17.12.070)

17.12.140 Cost for the removal of temporary off-site signs.

A. The City Council may by resolution establish reasonable charges for the recovery of the costs of sign removal.

B. If a cost recovery resolution is adopted, the person, entity or corporation responsible for the placement of the unlawful temporary sign(s) shall be liable to the city for the costs of removal of such sign(s). In the absence of persuasive evidence to the contrary, the person, entity or corporation who benefitted from the sign(s) shall be presumed to be the person who was responsible for the placement of the sign(s). The Director of Community Development is authorized to determine the person who was responsible for the placement of the sign(s) and to invoice such person for the amount of such costs. Any such invoice shall be accompanied by a notice of such person's right to a hearing pursuant to Section 17.12.150. (Zoning ordinance § 17.12.075)

17.12.150 Hearing.

A. Any person who has received an invoice pursuant to Section 17.12.140 may request a hearing on the responsibility of such person for the placement of the sign(s) and/or the amount stated as the cost of removal

of the sign(s). Any such request for hearing must be filed in writing with the Planning Services Manager within fifteen (15) calendar days of the date of mailing of the invoice. The request must set forth the basis for such person's objection to the invoice.

B. Upon receipt of a request for a hearing, the Director of Community Development shall set a hearing date within thirty (30) calendar days following receipt of such request. Notice of the hearing date shall be provided to such person not less than ten (10) calendar days prior to the date of the hearing. At the hearing the Director of Community Development shall hear such evidence as the person requesting the hearing shall present that such person was not responsible for the placement of the unlawful temporary sign(s) or that the amount invoiced for costs of removal of the sign(s) was excessive.

C. Within ten (10) calendar days following the conclusion of the hearing the Director of Community Development shall issue a determination regarding the person responsible for placement of the signs and/or the costs associated with the removal of the signs. The determination of the Director of Community Development shall be final and not subject to a further appeal. (Ord. 2522 § 5, 2000; zoning ordinance § 17.12.080)

17.12.160 Fees.

Fees for any sign or advertising device herein described shall be subject to the appropriate provisions of the El Monte Municipal Code unless otherwise specified in this title. (Amended during 1999 recodification; zoning ordinance § 17.12.085)

Chapter 17.14

NONCONFORMING PROVISIONS

Sections:

17.14.010	General provisions.
17.14.020	Definitions.
17.14.030	Nonconforming buildings or structures.
17.14.040	Nonconforming lots.
17.14.050	Nonconforming uses.
17.14.060	Repairs and maintenance.
17.14.070	Nonconformity resulting from change in residential density regulations.
17.14.080	Loss of legal nonconforming status.

17.14.010 General provisions.

The intent of this chapter is to permit nonconforming uses and structures to continue until they are removed, restricted or abandoned, but not to encourage their survival. Nonconforming uses and structures are declared to be incompatible with permitted uses in the same district. Nonconforming uses and structures shall not be enlarged upon, expanded or extended, except as expressly provided herein, nor shall the existence of a nonconforming use or structure be grounds for adding other uses or structures prohibited in the same district. (Zoning ordinance § 17.14.10)

17.14.020 Definitions.

"Nonconforming building or structure" means a building or structure which was lawful when brought into existence, but because of subsequent amendment to this chapter, or annexation into the city, could not be built because of restrictions on area, lot coverage, height, yards, setbacks, parking, design requirements, location on a lot, type or construction, or other similar requirements concerning the structure.

"Nonconforming land" means a use which was lawful when brought into existence, but by reason of subsequent amendment to this chapter, or annexation into the city, no longer conforms to the requirements for the district in which it is located.

"Nonconforming lot" means a lot the area, dimension or location of which was lawful when brought into existence, but by reason of subsequent amendment to this title, or annexation into the city, no longer conforms to the minimum lot size requirements. (Zoning ordinance § 17.14.20)

17.14.030 Nonconforming buildings or structures.

A nonconforming building or structure may be continued in use as long as it remains otherwise lawful, subject to the following provisions.

A. It may not be enlarged, expanded or altered in any way which increases its nonconformity but may be altered to decrease its nonconformity.

B. Whenever a building or structure which is deemed to be nonconforming by virtue of this chapter is damaged to an extent of less than fifty (50) percent of its replacement cost immediately prior to such damage, the structure may be restored to its state prior to such damage, provided the restoration is started within one hundred eighty (180) days and diligently pursued to completion. This replacement cost shall be determined by the chief building official, whose decision may be appealed to the City Council. Except as specified in Section 17.14.070, buildings or structures that are damaged greater than fifty (50) percent of the replacement cost shall conform to all current provisions of this title.

C. If a nonconforming use is maintained in a nonconforming structure, the provisions of this section and Section 17.14.050 shall apply; provided, that where a conflict between said sections exist, the more restrictive provision shall govern.

D. When a nonconforming building or structure is abandoned or vacated for a continuous period of one hundred eighty (180) days or more, any subsequent use of the property shall conform to the regulations of the district in which the property is located.

E. Additions and structural alterations may be made to an existing building or structure that is nonconforming solely with respect to a required side yard setback provided;

1. That the addition comply with the current side yard setback requirements; or

2. That the alteration or addition not exceed fifty (50) percent of the existing floor area of the structure and that the side yard setback not be made further nonconforming. However, in no case may the side yard setback be less than three (3) feet for a main dwelling unit and one foot for an accessory structure, unless a modification has been reviewed and approved in accordance with this title. (Zoning ordinance § 17.14.30)

17.14.040 Nonconforming lots.

A nonconforming lot may be constructed upon provided that, the lot was legally created and the structure or structures and uses conform to all other provisions of the El Monte Municipal Code. (Zoning ordinance § 17.14.40)

17.14.050 Nonconforming uses.

A nonconforming use may be continued so long as it remains otherwise lawful, subject to the following provisions:

A. It may not be enlarged, extended, moved or altered, except to change the use of a structure or land to a use permitted in the district in which it is located.

B. In the case of a nonconforming use of land not involving a structure, the use may not be moved in whole or in part to any portion of the lot or parcel on which it is located other than that occupied by the use at the time it became nonconforming.

C. If a nonconforming use of a structure or land is superseded by a permitted use, such use shall thereafter conform to the regulations for the district, and the nonconforming use may not be resumed.

D. When a nonconforming use of a structure or land is discontinued or abandoned for a continuous period of one hundred eighty (180) days or more, any subsequent use shall conform to the regulations of the district in which the property is located. (Zoning ordinance § 17.14.50)

17.14.060 Repairs and maintenance.

On any nonconforming structure, or on any nonconforming structure containing a nonconforming use, routine maintenance work may be performed, or repair or replacement of nonbearing walls, fixtures, wiring or plumbing may take place; provided, that the value of repair or replacement work during any five (5) year period does not exceed fifty (50) percent of the replacement cost of the whole structure; and provided further, that the square footage of the structure, whether conforming or nonconforming, shall not be increased. (Zoning ordinance § 17.14.60)

17.14.070 Nonconformity resulting from change in residential density regulations.

If a residential use is deemed nonconforming solely by virtue of its exceeding the allowable dwelling unit density of the parcel of land on which it is located, such residential use may, if destroyed or damaged greater than fifty (50) percent of its replacement costs through natural causes, be rebuilt to the original legal density subject to the following conditions:

A. Design review approval is granted by the City Planning Commission.

B. The rebuilt development shall comply with all current design and property development standards, to the extent feasible, except parking and open space. (Zoning ordinance § 17.14.70)

17.14.080 Loss of legal nonconforming status.

A. The right to continue a nonconforming use shall terminate when it is determined to be a public nuisance by order of the independent Hearing Officer pursuant to procedures provided in Chapter 8.44 of this code or order of a court of competent jurisdiction and the nuisance is not abated in the manner and within the time stated in the order of the Hearing Officer or the order of the court. In addition to the specific grounds for finding a nuisance as set forth in Chapter 8.44 of this code, a nonconforming use is a public nuisance if:

1. The use interferes with the comfortable enjoyment of life or property in the neighborhood; or

2. The use is a business establishment which permits persons to congregate for unreasonably long time periods in parking areas and/or pedestrian walkways resulting in unreasonable noise levels in residential areas during the hours of nine p.m. to seven a.m., or resulting in said persons obstructing or interfering with the free passageway in said parking areas or on said pedestrian walkways, or which becomes a place where an unreasonable number of violations of Chapter 9.12 of this code (relating to public consumption of alcoholic beverages) or violations of alcoholic beverage control regulations occur; or

3. The use is injurious to the health of persons in the neighborhood.

B. The right to continue the use of a nonconforming structure shall terminate when the structure and/or the parcel on which it is located is determined to be a public nuisance by order of the Hearing Officer made pursuant to Chapter 8.44 of this code, or by judgment or order of a court of competent jurisdiction and the nuisance is not abated in the manner and within the time stated in the order of the Hearing Officer or order of the court. If the abatement of the nuisance required demolition of the structure the order, judgment or order of the court shall find that in fairness and in justice there is no other way reasonably to correct the nuisances other than by demolition of the structure.

C. Where it cannot be found that demolition of a structure is appropriate, the Hearing Officer shall permit the structure to remain in existence, but may impose one or more conditions to bring the structure into conformity with the requirements of this title so far as is reasonable in addition to any other conditions necessary to abate the public nuisance. (Ord. 2552 § 1, 2002)

Chapter 17.16

CERTIFICATE OF OCCUPANCY*

Sections:

17.16.010	Certificate of occupancy; temporary certificate of occupancy.
17.16.020	Exceptions to certificate of occupancy requirement.
17.16.030	Vacant and unimproved real property.
17.16.040	Property inspection report upon sale or transfer of real property.
17.16.050	Content of certificate of occupancy.
17.16.060	Administrative fees.
17.16.070	Adoption of administrative policies and procedures; forms.
17.16.080	Violation—Penalty.
17.16.090	Request for reconsideration; appeals.
17.16.100	Definitions.
17.16.110	Effective date of chapter.
17.16.120	Five-year sunset clause.

* Prior ordinance history: Zoning ordinance §§ 17.16.10 through 17.16.90

17.16.010 Certificate of occupancy; temporary certificate of occupancy.

A. Certificate of Occupancy. No person shall occupy or otherwise use, or permit the occupancy or use of all or any portion of the following until a certificate of occupancy is applied for and then issued by the Building Official:

1. Any building, structure or other improvement constructed upon all or any portion of real property;
2. Any building, structure or other improvement that has been altered, added to, enlarged or moved upon all or any portion of real property;
3. Any real property, building, structure or other improvement that has been sold, exchanged, transferred or otherwise conveyed, excluding the sale, exchange, transfer or conveyance of any multi-family residential building containing five (5) or more residential dwelling units. (The property inspection report provisions of Section 17.16.060 shall also apply in the case of certain sales, exchanges, transfers and conveyances identified under that section);
4. All or any portion of any nonresidential building, structure or other improvement rented, leased, licensed or

whose occupancy or reoccupancy is otherwise permitted by the owner or any agent of the owner;

5. All or any portion of any real property, building, structure or other improvement whose legally permitted use is changed.

B. Building Permit Application. An application for a certificate of occupancy must be submitted concurrently with an application for a building permit.

C. General Property Inspection. Once a complete and accurate application for a certificate of occupancy is submitted to, and accepted by, the Building Division, an inspection date for the real property in question shall be scheduled and the applicant shall thereafter make the real property available for such inspection by the Building Official on the date scheduled.

D. Issuance of Certificate of Occupancy. A certificate of occupancy shall be issued within ten (10) business days from the date the Building Official determines all of the following conditions are met:

1. A complete and accurate application for a certificate of occupancy is on file with the city of El Monte;
2. The real property complies with all discretionary land use authorizations affecting the real property; and all other real property related provisions of this code, most notably the provisions of Title 15 (Building and Construction) and Title 17 (Zoning);

3. The real property in question complies with all other provisions, requirements and restrictions of this chapter; and

4. All violations and deficiencies identified in the course of the inspection have been corrected and approved by the Building Division.

E. Temporary Certificate of Occupancy.

1. Following the submission of a complete and accurate application for a certificate of occupancy but prior to the issuance of a certificate of occupancy, the Building Official may issue a temporary certificate of occupancy if:

a. The Building Official determines the real property in question is in substantial compliance with the requirements of this chapter and all other real property related provisions of this code;

b. The applicant makes a clear and convincing showing of good faith efforts to timely complete the correction of all outstanding violations and deficiencies identified by the Building Official; and

c. The applicant posts a compliance bond with the city to guarantee the full and timely completion of all required corrections. The amount of the compliance bond shall be determined by the Building Official using such criteria and methodology as may be adopted, and from

time to time revised and/or modified, by City Council resolution.

2. An applicant's failure to correct all deficiencies within the time period specified on the temporary certificate of occupancy shall constitute a violation of this chapter. No temporary certificate of occupancy shall set forth a time period for the completion of all corrections that is greater than one hundred eighty (180) calendar days. A temporary certificate of occupancy shall automatically expire fourteen (14) calendar days from the date in which all outstanding corrections were to be completed or automatically upon the issuance of a certificate of occupancy. Absent the issuance of a certificate of occupancy, no person may continue to occupy or otherwise use the real property that is the subject of a temporary certificate of occupancy upon the expiration of the temporary certificate of occupancy.

F. The property inspection report requirements of Section 17.16.040 shall only apply in the case of certain sales, exchanges, transfers or conveyances of real property. (Ord. 2683 § 1 (part), 2007)

17.16.020 Exceptions to certificate of occupancy requirement.

A. Changes in Residential Tenancies. The issuance of a new certificate of occupancy shall not be required for a simple change in tenancies with respect to any lawful dwelling or dwelling unit leased or otherwise rented for residential purposes.

B. Transient Occupancy. A certificate of occupancy shall not be required for the transient occupancy or reoccupancy of a legally permitted guest room within a legally permitted hotel, motel, motor hotel or inn as part of its normal course of business. In order to be considered "transient" under this section, each individual occupancy or reoccupancy of an individual guest room/unit must be for a period of less than thirty (30) consecutive days and no individual guest unit may be occupied or reoccupied by the same person for more than sixty (60) consecutive days total within any one hundred eighty (180) consecutive day period. (Ord. 2683 § 1 (part), 2007)

17.16.030 Vacant and unimproved real property.

A. An application for a certificate of occupancy must first be submitted and a certificate of occupancy issued by the Building Official before real property that is both vacant and unimproved may be occupied or used for any purpose.

B. Absent the issuance of a certificate of occupancy, real property that is both vacant and unimproved may only

be used for the limited purpose of tilling soil and growing farm, garden or orchard products, provided such real property is lawfully zoned for such uses. (Ord. 2683 § 1 (part), 2007)

17.16.040 Property inspection report upon sale or transfer of real property.

A. Property Inspection Report. The title owner of real property or the duly authorized agent of the real property owner shall also apply to the Building Division for the preparation of a property inspection report in the case of any sale, exchange, transfer or conveyance of the real property in question. The property inspection report shall be prepared by the Building Official.

B. Exceptions. The requirements of this section shall not apply to the sale, exchange, transfer or conveyance of any of the following:

1. Multi-family residential buildings containing of five (5) or more residential dwelling units;
2. Real property that is both vacant and unimproved;

or

3. Real property that will soon be made vacant and unimproved and thereafter remain vacant and unimproved for an indefinite period of time, provided the owner or owner's agent posts a demolition compliance bond and provided all demolition and debris removal is completed within one hundred eighty (180) calendar days of the date sale, exchange, transfer or conveyance, whichever the case may be.

C. Mixed-Use Developments—Rented Units. If all residential dwelling units within the residential portion of a mixed-use development are owned by a single owner with each such unit being rented, leased, licensed or otherwise made available for residential purposes by the single owner (e.g., as would be the case with a multi-unit apartment complex), the requirements of this section shall not apply if the residential portion of the mixed-use development consists of five (5) or more residential dwelling units.

D. Mixed-Use Developments—Owned Units. If two (2) or more residential dwelling units within the residential portion of a mixed-use development are owned by different owners under an arrangement of separate ownership (e.g., as would be the case with a multi-unit condominium complex), the requirements of this section shall apply to the sale, exchange, transfer or conveyance of any residential unit within the residential portion of the mixed-use development.

E. Demolition Compliance Bond. In the event of any sale, exchange, transfer or conveyance of real property that will soon be made vacant and unimproved with the aim of

leaving said real property in a vacant and unimproved state for an indefinite period of time, the owner or owner's agent shall be required to post a demolition compliance bond to guarantee the full and timely demolition of all buildings, structures and other improvements upon the real property. The amount of the demolition compliance bond shall be determined by the Building Officials utilizing such criteria and methodology as may be adopted, and from time to time revised and/or modified, by City Council resolution. Following the completion of such sale, exchange, transfer or conveyance as evidenced by close of escrow or the change in title, whichever is earlier in time, no person may continue to occupy or use the subject real property unless the Building Official issues a temporary certificate of occupancy which shall remain valid until the stated commencement of date of demolition activities. The Building Official may issue such a temporary certificate of occupancy using the issuance criteria set forth under subsection E of Section 17.16.010. Temporary certificates of occupancy issued pursuant to this subsection shall state the anticipated date upon which demolition will commence and shall expire upon the earlier of the following: (a) the date upon which demolition actually commences; or (b) the anticipated commencement date stated on the temporary certificate of occupancy. No temporary certificate of occupancy issued pursuant to this subsection shall set forth an anticipated demolition commencement date that is more than one hundred eighty (180) days from the date the temporary certificate of occupancy is issued.

F. Content of Property Inspection Report. The property inspection report shall contain the following information:

1. The street address and legal description of the subject real property;
2. The zone classification;
3. The legally authorized use of the subject real property;
4. As determined by the Planning Services Manager and/or the Building Official, the identification of all land use restrictions including, but not limited to, those imposed by way of variances, modifications, conditional use permits, subdivision maps, parcel maps and the like;

5. All corrections needed to bring the subject real property into compliance with provisions of this code relating to building and construction standards; zoning requirements and restrictions; and housing restrictions; and

All other corrections needed to correct any other condition constituting a violation of this code, including, but not limited to, provisions relating to public health and safety.

G. Completion Period. Each property inspection report shall be completed within ten (10) city business days

from the date the real property in question is inspected and shall remain valid for a period of six (6) months from the date of its issuance by the Building Official. If a property inspection report is not completed within the foregoing ten (10) day period, the requirements of this section shall be deemed waived. The foregoing notwithstanding, the waiver of the requirements of this section shall not constitute a waiver of any other requirements set forth under this chapter nor shall such waiver preclude the city from pursuing any and all remedies available to it at law or in equity in order to enforce the requirements and standards set forth under this code.

H. Nonliability of City for Failure to Identify all Deficiencies. In issuing a property inspection report, neither the Building Official nor the Building Division warrant or represent that all outstanding code violations or deficiencies are stated therein. Violations and deficiencies identified in each property inspection report represent the Building Official's and Building Division's best attempt to identify all outstanding violations and deficiencies, but do not necessarily represent an exhaustive listing of such violations or deficiencies. The failure of the Building Official and/or the Building Division to identify a violation or deficiency in the property inspection report shall not prevent the city from taking all legal action available to it to cause such violation to be corrected, including, but not limited to, the issuance of criminal citations.

I. Nonliability of City for Failure to Identify Utility Charges. The failure of a property inspection report to identify delinquent utility charges for the subject real property shall not prevent the city from taking all legal action available to it to obtain payment of such charges.

J. Delivery of Report to Prospective Buyer. Each applicant shall deliver the property inspection report to the person attempting to acquire the subject real property (e.g., to the prospective buyer) and within fourteen (14) calendar days thereafter shall deliver to the Building Division a delivery confirmation receipt evidencing the successful delivery of the property inspection report. The delivery confirmation receipt form shall be provided to each applicant.

K. Time Period for Making Corrections to Property. If the subject real property is in need of corrections as specified in the property inspection report, the applicant shall initiate such corrections within thirty (30) calendar days of the date the property inspection report is issued and shall complete such corrections before a certificate of occupancy may be issued but in no event later than one hundred eighty (180) calendar days from the date the property inspection report is issued.

L. Parties Responsible for Corrections. The owner of real property that is the subject of a property inspection report shall be responsible for the completion of all needed corrections identified in the property inspection report. The person attempting to acquire the real property, may assume legal responsibility for the completion of all corrections by execution and submission of an "Acknowledgement & Assumption Affidavit" coincident with the completion of the real property sale or exchange. The execution of an "Acknowledgement & Assumption Affidavit" notwithstanding, no new certificate of occupancy may be issued until all needed corrections are completed.

M. Compliance Bond. The execution of an "Acknowledgement & Assumption Affidavit" shall in turn require the posting by the buyer of a compliance bond with the city to guarantee the full and timely completion of all required corrections. The compliance bond shall be submitted at the same time as the submission of the "Acknowledgement & Assumption Affidavit" and no "Acknowledgement & Assumption Affidavit" shall be considered complete absent the posting of an adequate compliance bond. The amount of the compliance bond shall be determined by the Building Official using such criteria and methodology as may be adopted, and from time to time revised and/or modified, by City Council resolution. Following the Building Official's receipt of the posted compliance bond and pending the completion of all required corrections, the Building Official, in his or her discretion, may issue a temporary certificate of occupancy subject to the requirements of subsection E of Section 17.16.010 of this chapter in an effort to reasonably minimize any undue delay in the closing of escrow on the sale, exchange, transfer or conveyance of the subject real property.

N. Failure to Make Corrections. If any corrections prescribed in the property inspection report are not corrected within the time frame specified herein or within a temporary certificate of occupancy, such failure shall constitute a violation of this chapter and may be referred to the City Prosecutor for appropriate action. (Ord. 2683 § 1 (part), 2007)

17.16.050 Content of certificate of occupancy.

A. Content. Each certificate of occupancy pursuant to this chapter shall state:

1. The date of issuance;
2. The authorized occupancy for the subject real property;
3. The legally permitted use for the subject real property;
4. Restrictions as determined by the Planning Services Manager and/or the Building Official in the interest

of safeguarding the public health, safety, morals, and welfare, and the identification of all land use restrictions including but not limited to those imposed by way of variances, modifications, conditional use permits, subdivision maps, parcel maps, modifications and the like;

5. The street address and legal description of the subject real property;

6. The name of the person to whom the certificate of occupancy is issued;

7. The certification that the subject real property complies with all provisions of this code relating to zoning, building standards, and maintenance to the best knowledge of the Building Division at the time of issuance.

B. Nonconforming Properties. A certificate of occupancy issued for real property bearing the status of a nonconforming use shall also state that the subject real property is a nonconforming use. The requirements of this subsection shall apply to all real property bearing the status of a nonconforming use on or after the effective date of this chapter.

C. Maintenance of Records. Records of all certificates of occupancy and temporary certificates of occupancy shall be kept on file in the offices of the Building Official and the City Clerk. (Ord. 2683 § 1 (part), 2007)

17.16.060 Administrative fees.

A. Payment and Setting of Fees. Each applicant shall be required to pay administrative fees in connection with each application for a certificate of occupancy and a property inspection report. The amount of the administrative fees imposed shall be established and from time to time adjusted by City Council resolution. The purpose of the administrative fees shall be to recover the administrative costs and/or expenses associated with the enforcement of this chapter, including, but not limited to, costs and expenses associated with the processing and review of applications; the conduct of real property inspections; the preparation and processing of property inspection reports; the verification of the completion of all corrections; the processing, review and investigation of requests for reconsideration and/or appeals of the Building Official's decision on a requests for reconsideration.

B. Restriction on Amount of Fees. Any administrative fee(s) established, increased or otherwise adjusted pursuant to this section shall not exceed the reasonable estimated cost or expense of providing and/or performing the service, task, activity or set of services, tasks and activities for which the administrative fee is imposed. (Ord. 2683 § 1 (part), 2007)

17.16.070 Adoption of administrative policies and procedures; forms.

A. Adoption of Administrative Policies and Procedures. By resolution, the City Council may adopt and from time to time amend or update administrative rules, policies, procedures and guidelines for the enforcement and implementation of this chapter, provided such rules, policies, procedures and guidelines do not conflict with the express provisions of this chapter and are consistent with the purposes and objectives set forth herein.

B. Adoption of Forms. By resolution, the City Council may adopt, approve and from time to time update and amend forms for the application of certificates of occupancy, property inspection reports and such other forms and documents as may be necessary or desirable to enforce and/or administer this chapter. (Ord. 2683 § 1 (part), 2007)

17.16.080 Violation—Penalty.

A. Violation of Certificate of Occupancy/Temporary Certificate of Occupancy. No person shall violate or fail to comply with each and every term, condition, requirement or restriction set forth in a certificate of occupancy or temporary certificate of occupancy issued pursuant to this chapter.

B. Violation of Chapter. The violation of any provision of this chapter shall constitute a misdemeanor. Any person convicted of a violation of this chapter shall be punished by a fine not exceeding one thousand dollars (\$1,000.00) or by imprisonment in jail for a period not exceeding six (6) months, or a combination of both fine and imprisonment. (Ord. 2683 § 1 (part), 2007)

17.16.090 Request for reconsideration; appeals.

A. Request for Reconsideration. With respect to the enforcement of this chapter, any applicant aggrieved by a determination of the Building Official or the Building Division relating to the existence of violations or deficiencies or the failure to adequately correct or timely complete the correction of any violation or deficiency may request that the Building Official reconsider the determination in dispute. Requests for reconsideration must be made in writing filed with the City Clerk's Office within seven (7) calendar days from the date the Building Official notifies the applicant of the violation or deficiency or the failure to adequately correct or timely complete the correction of the violation or deficiency at issue. Each written request for reconsideration must specifically identify the determination in dispute; specifically state the basis for disputing the determination; and include tangible evidence and/or authority supporting the applicant's position.

B. Rendering of Decision on Reconsideration Request. The Building Official shall render a decision on the request for reconsideration within fourteen (14) business days of the submission of the request for reconsideration to the City Clerk. A specific initial determination that is not identified as being in dispute in the request for reconsideration will not be reconsidered by the Building Official and its omission from the request shall be interpreted as an acknowledgement that the initial determination was correct. The Building Official may deny a request for reconsideration if an applicant fails or refuses to permit a follow-up inspection of the real property requested by the Building Official in order to ascertain the merits of the applicant's reconsideration request.

C. Appeal of Reconsideration Determination. The decision of the Building Official with respect to a request for reconsideration may be appealed and such appeal shall be subject to an administrative hearing heard by an administrative hearing officer designated by the city. All such appeals must be made in writing and filed with the City Clerk within seven (7) business days of the date of the Building Official's decision on the request for reconsideration. The written appeal must identify the determination(s) at issue and the reason for disputing each determination and include all tangible evidence and authority supporting the applicant's position. The appeal hearing shall be heard within sixty (60) calendar days of the date of the appeal is filed but in no event sooner than fourteen (14) calendar days from the date the written appeal is submitted. Only determination disputes stated in the initial request for reconsideration and stated in the written appeal may be considered in the appeal hearing and the omission of such determinations from the initial reconsideration request or the written appeal shall be construed as an acknowledgement that the determination was correct. The decision of the administrative hearing officer shall be final.

D. Deadlines. All deadlines set forth in this section shall be deemed to run at five-thirty p.m. on the applicable deadline date. If any deadline set forth in this section falls on a date in which the city is not open for business, the deadline shall be extended to five-thirty p.m. of the next day in which the city is open for business.

E. Tolling Pending Final Disposition. The correction period for all disputed violations or deficiencies identified by the Building Official or the Building Division pursuant to this chapter shall be tolled pending final disposition of a request for reconsideration or an appeal of the Building Officials decision regarding a request for reconsideration. Undisputed and/or unappealed violations or deficiencies must be corrected within the correction period set forth or

otherwise authorized pursuant to the provisions of this chapter. (Ord. 2683 § 1 (part), 2007)

17.16.100 Definitions.

A. **General Meaning.** Except as otherwise provided under this section or elsewhere in this chapter, the words and phrases used herein shall have the same definition as set forth under Chapter 17.04 (Definitions) of this code or such other chapter of Title 17 (Zoning), if no such definition is provided for under Chapter 17.04. If a term used in this chapter is not defined under this chapter or any chapter of Title 17 (Zoning) of this code, the meaning of such term may be reasonably established by way of rules or policies established pursuant to Section 17.16.090 (Adoption of Administrative Policies and Procedures; Forms) of this chapter.

B. **Special Definitions.** For purposes of this chapter, the following words and phrases shall have the meaning set forth in this section:

“Applicant” means any person who applies for a certificate of occupancy and, if necessary, a property inspection report.

“Building Division” means the El Monte Building Division.

“Building Official” means the Chief Building Official for the city of El Monte or his or her duly designated, City-employed designee.

“City” means the city of El Monte, a municipal corporation and general law city.

“City Council” means the El Monte City Council the legislative body for the city of El Monte.

“Must” and “shall” when used in a sentence means that an action or prohibition set forth is imperative and mandatory.

“Nonresidential,” when used as a modifying adjective to describe the type of use, occupancy or purpose associated with certain type of real property, building, structure, improvement or portion thereof, means real property, buildings, structures, improvements or portions of thereof that do not fall within the definition for “residential” as defined under this section. Use, occupancies and/or purposes considered “nonresidential” in nature include, but are not limited to, the following: industrial; commercial; retail or wholesale sale; manufacturing; office; mini-mall; personal care facilities; entertainment; restaurant, dining or other food preparation; on-sale liquor establishment and off-sale liquor establishment; storage; agricultural; hotel, motel, motor hotel, inn, boarding house, or lodging house provided the use of each legally permitted guest unit satisfies the restrictions set forth under Section 5.48.080 of this code; nonresidential portions of a mixed use develop-

ments; multiple tenant developments; and any type of use, occupancy or purpose for which a business license or combination of business license and business permit is required.

“Person” means any natural person or grouping natural persons such as tenants in common, husband and wife, joint tenants with right of survivorship and the like; any general partnership, limited partnership or limited liability partnership; any corporation or limited liability company whether for profit or not-for-profit; any organization whether for profit or not-for-profit; any business trust, living trust or joint venture; or any legal entity holding title to real property or serving as the agent for another person holding title to real property.

“Planning Services Manager” means the Planning Services Manager for the El Monte Planning Division or his or her duly designated, city-employed designee.

“Real property” means all or any portion of a parcel of real estate located within the city inclusive of any buildings, structures or other constructed thereupon.

“Residential,” when used as a modifying adjective to describe the type of use, occupancy or purpose associated with a certain type of building, structure, improvement or portion thereof, shall necessarily refer to any building, structure, improvement or individual dwelling unit within such a building, structure or improvement which (1) is specifically and exclusively designed for and occupied by, or available for occupancy by, a single household as a place of residence; (2) contains one legally permitted kitchen per household residing in the building, structure, improvement or individual dwelling unit; and (3) contains at least one bathroom equipped with a toilet and a shower or bath tub. “Residential” when used as a modifying adjective to describe a certain type of real property, shall refer to real property or any portion thereof that is lawfully zoned for any of the types buildings, structures or improvements described in the preceding sentence. The foregoing notwithstanding, the use, occupancy or reoccupancy of a legally permitted guest room within a legally permitted hotel, motel, motor hotel, inn, boarding house, or lodging house in the normal course of business shall be considered “nonresidential” in nature, provided its use satisfies the restrictions set forth under Section 5.48.080 of this code. Any residential dwelling or residential dwelling unit located within a mixed-use development shall also be considered “residential” in nature. (Ord. 2683 § 1 (part), 2007)

17.16.110 Effective date of chapter.

This chapter shall take effect on February 20, 2007. This chapter shall apply to all real property requiring a valid certificate of occupancy on or after the effective date

of this chapter, excluding all such real property for which a complete and accurate application for a certificate of occupancy was submitted prior to the effective date but the issuance of a certificate of occupancy is still pending. (Ord. 2683 § 1 (part), 2007)

17.16.120 Five-year sunset clause.

This chapter shall expire automatically on the fifth anniversary of its effective date unless extended or made permanent by City Council ordinance. (Ord. 2683 § 1 (part), 2007)

Chapter 17.18**ZONING CLEARANCE****Sections:**

17.18.010	Purpose.
17.18.020	Authority.
17.18.030	Procedures.
17.18.040	Projects.
17.18.050	Exempt projects.
17.18.060	Guidelines.
17.18.070	Time period.
17.18.080	Appeal.
17.18.090	Fees.

17.18.010 Purpose.

Zoning clearance review is a ministerial act that ensures development is consistent with the general plan and the zoning ordinance. The zoning clearance is intended to implement architectural standards, site planning, circulation, landscaping, and other zoning and planning policies. A zoning clearance shall be issued pursuant to this chapter prior to the issuance of any other planning or building permit for any building or structure hereafter erected, altered or modified. (Zoning ordinance § 17.18.10)

17.18.020 Authority.

The Director of Community Development or his/her designee shall be empowered to approve, conditionally approve or deny zoning clearance applications subject to the guidelines in Section 17.18.060. (Zoning ordinance § 17.18.20)

17.18.030 Procedures.

The rules and procedures for applications, records and investigations applicable to zoning clearance shall be as follows:

A. Application. The Director of Community Development shall determine the minimum filing procedures, content and form of materials which must be submitted before action is taken on a zoning clearance request. The filing procedures and applications shall be published and made available to the public.

B. Records. Applications filed pursuant to this chapter shall be numbered consecutively in the order of their filing and shall be part of the official records of the Planning Division.

C. Investigation. It shall be the burden of the applicant to provide sufficient documents and exhibits that allow the Director of Community Development, or the City Planning Commission upon appeal, to render a decision

upon the application under consideration. The Director of Community Development, or the City Planning Commission upon appeal, to render a decision on the request. The filing of an application also grants city staff the right to enter the property to make any inspections necessary to render a decision on the application. All inspections shall be conducted with the owners' knowledge and advance notice. (Zoning ordinance § 17.18.30)

17.18.040 Projects.

All buildings and structures hereafter erected, altered or modified shall have an approved zoning clearance prior to obtaining any other planning or building permit or prior to commencing work. Improvements subject to zoning clearance are as follows:

- A. New buildings and structures, or additions to existing buildings or structures;
- B. Patio covers, breezeways, porch covers and similar structures;
- C. Patio enclosures;
- D. Property line fences and walls that are more than two (2) feet above the adjacent grade;
- E. Decks that are more than two (2) feet above the adjacent grade at any point, gazebos, trellises, windscreens and similar improvements;
- F. Exterior spas, hot tubs, or swimming pools;
- G. Pay telephones, automatic teller machines and vending machines;
- H. Exterior mounted security bars;
- I. Storage structures and tool sheds in excess of one hundred twenty (120) square feet in area;
- J. Building murals. (Zoning ordinance § 17.18.40)

17.18.050 Exempt projects.

The following projects shall be exempt from zoning clearance:

- A. Any building or structural alteration, addition or modification subject to review and approval under other sections of this chapter;
- B. Repainting of buildings or structures provided the color is not fluorescent, luminescent or bright and provided the building colors were not specified under a previously approved land use entitlement;
- C. Landscaping improvement or restoration;
- D. Concrete flatwork that does not cover more than fifty (50) percent of the front or street side yard of any residentially zoned or used property. (Zoning ordinance § 17.18.50)

17.18.060 Guidelines.

In order to grant zoning clearance approval, the Direc-

tor of Community Development shall use the following guidelines to determine if the request is appropriate:

- A. The orientation and location of buildings and open space;
- B. The vehicular and pedestrian circulation;
- C. The scale, character and quality of design;
- D. The functionality of floor plans;
- E. The proposed improvement is harmonious with adjacent improvements. (Zoning ordinance § 17.18.60)

17.18.070 Time period.

A zoning clearance approval shall expire twelve (12) months from the date on which the approval was granted. The Director of Community Development may grant an extension of the zoning clearance for a period not to exceed twelve (12) months. (Zoning ordinance § 17.18.70)

17.18.080 Appeal.

The applicant may appeal the decision of the Director of Community Development to the City Planning Commission within ten (10) calendar days following the decision. Appeals by the Commission shall be reviewed as a regular agenda item and the fee paid shall be fifty (50) percent of the original filing fee. The decision of the City Planning Commission shall be final. (Zoning ordinance § 17.18.80)

17.18.090 Fees.

Before accepting an application for filing, the Planning Division shall collect a fee for the purpose of defraying division expenditures. The amount of the fee collected shall be in accordance with the fee schedule of the city. (Amended during 1999 recodification; zoning ordinance § 17.18.90)

Chapter 17.20

MODIFICATION—VARIANCE

Sections:

17.20.010	Variances.
17.20.020	Necessary conditions.
17.20.030	Information required.
17.20.040	Filing of applications.
17.20.050	Records.
17.20.060	Filing fees.
17.20.070	Investigation.
17.20.080	Notices.
17.20.090	Notice—Method.
17.20.100	Public hearings.
17.20.110	Findings.
17.20.120	Variances and modifications— Decision.
17.20.130	Reconsideration fee.
17.20.140	Council—Final hearings.
17.20.150	Permit or license issuance— Effective ordinance required.
17.20.160	Modification Committee— General provisions.
17.20.170	Relief to be afforded.
17.20.180	Filing of names and addresses.

17.20.010 **Variances.**

When practical difficulties, unnecessary hardships or results inconsistent with the general purposes of this title occur by reason of a strict interpretation of any of the provisions of this title, the Planning Commission upon its own motion may, or upon the verified application of any interested person shall, in specific cases initiate proceedings for the granting of a variance from the provisions of this title under such conditions as may be deemed necessary to assure that the spirit and purposes of this title will be observed, public safety and welfare secured, and substantial justice done. All acts of the Planning Commission and Council under the provisions of this chapter shall be construed as administrative acts performed for the purpose of assuring that the intent and purpose of this title shall apply in special cases, as provided in this chapter, and shall not be construed as amendments to the provisions of this title or the zoning map. (Zoning ordinance § 17.20.01)

17.20.020 **Necessary conditions.**

Any variance granted shall be subject to such conditions as will assure that the adjustment thereby authorized shall not constitute a grant of special privilege inconsistent with the limitations upon other properties in the

vicinity and zone in which subject property is situated. Before a variance may be granted, the facts specified in the following subsections shall be shown:

A. There are exceptional or extraordinary circumstances or conditions applicable to the property involved, or to the intended use of the property, that do not apply generally to the property or class of use in the same zone or vicinity;

B. The granting of such variance will not be materially detrimental to the public health or welfare or injurious to the property or improvements in such zone or vicinity in which the property is located;

C. Because of special circumstances applicable to subject property, including size, shape, topography, location or surroundings, the strict application of the zoning ordinance is found to deprive subject property of privileges enjoyed by other properties in the vicinity and under the identical zone classifications;

D. The granting of such variance will not adversely affect the comprehensive general plan. (Zoning ordinance §§ 17.20.03—17.20.11)

17.20.030 **Information required.**

Applications for variances and modifications shall be accompanied by the data specified in the following subsections:

A. A plot plan and description of the property involved showing the location of all existing and proposed buildings. Additional plans and descriptions of the proposed use of the property with ground plans and elevations for all proposed buildings may be required at the discretion of the Planning Commission.

B. A reference to the provisions of the title from which said property is sought to be excepted. (Zoning ordinance §§ 17.20.13—17.20.17)

17.20.040 **Filing of applications.**

Applications for variances and modifications shall be made in writing to the Planning Commission on such form as is approved by the Planning Commission. The Planning Commission may provide forms for such purposes and may prescribe the type of information to be provided thereon. No petition shall be received unless it complies with such requirements. (Zoning ordinance § 17.20.19)

17.20.050 **Records.**

Applications filed pursuant to this chapter shall be numbered consecutively in the order of their filing and shall become a part of the permanent official records of the Planning Commission, and there shall be attached

thereto copies of all notices and actions pertaining thereto. (Zoning ordinance § 17.20.21)

17.20.060 Filing fees.

Before accepting any application for filing, the city shall charge and collect, for the purpose of defraying the expenditures incidental to the proceedings prescribed herein, the respective fees specified in the following subsections:

A. Variance. For each application for a variance a fee of one thousand five hundred dollars (\$1,500.00).

B. Modification. For each application for a modification of any provision of this title with respect to property developed with one single-family structure on a single lot a fee of one hundred dollars (\$100.00). For each application for a modification of any provision of this title with respect to all other development a fee of four hundred fifty dollars (\$450.00).

C. Appeals.

1. For each appeal to the Planning Commission from any order, requirement, decision or determination of the Modification Committee in the administration or enforcement of the provisions of this title, a fee of twenty dollars (\$20.00) for property developed with one single-family structure on a single lot and a fee of two hundred dollars (\$200.00) for all other types of development.

2. For each appeal to the City Council from any order, requirement, decision or determination of the City Planning Commission in the administration or enforcement of the provisions of this title, including an appeal therefrom concerning modifications and any appeal therefrom concerning a recommendation against an amendment to the zoning ordinance to change property from one zone to another, and including an appeal therefrom concerning an order, requirement, decision or determination initially made by the Modification Committee, a fee of eighty dollars (\$80.00); provided, however, that there shall be no fee for the filing of such appeal if it is signed by the owners or adult residents of ten (10) or more parcels of property, a portion of which is within the radius of three hundred (300) feet from the subject property. (Zoning ordinance §§ 17.20.23—17.20.29)

17.20.070 Investigation.

The Planning Commission shall cause to be made by its own members, or members of its staff, such investigation of facts bearing upon such application as will serve to provide all necessary information to assure that the action on each such application is consistent with the intent and purpose of this title and with previous amendments, variances or modifications. (Zoning ordinance § 17.20.31)

17.20.080 Notices.

Following the receipt in proper form of any such application, the Secretary of the Planning Commission shall fix a time and place of public hearing thereon. Not less than ten (10) days before the date of such public hearing, notice of the date, time, place of hearing and location of the property and the nature of the request shall be given by any two (2) of the methods specified in the following subsections:

A. By publishing once in a newspaper of general circulation in the city.

B. By mailing a notice, postage prepaid, to the applicant, to each member of the Planning Commission, and to the owners of all property within three hundred (300) feet of the exterior boundaries of the property involved in the application, using for this purpose, the last known name and address of such owners as shown upon the last assessment roll of the city.

C. By posting notices not more than five hundred (500) feet apart along each and every street upon which the property involved abuts, for a distance of not less than three hundred (300) feet in each direction from the exterior limits of such property. (Zoning ordinance §§ 17.20.33—17.20.39)

17.20.090 Notice—Method.

Notice by mailing and publishing, as hereinbefore specified, shall be given unless the Planning Commission directs notice to be given in some other manner. (Zoning ordinance § 17.20.41)

17.20.100 Public hearings.

Public hearings as provided for in this title shall be held before the Planning Commission at the time and place for which public notice has been given as hereinbefore required.

A. Rules. The Planning Commission may establish its own rules for the conduct of such hearings.

B. Record. A summary of all pertinent testimony offered at a public hearing, together with the names and addresses of all persons testifying shall be recorded and made a part of the permanent files of the case.

C. Continuance. Any such hearing may be continued provided that, prior to the adjournment of recess thereof, the Presiding Officer at such hearing shall announce the time and place to which such hearing will be continued. (Zoning ordinance §§ 17.20.43—17.20.49)

17.20.110 Findings.

Within thirty-five (35) days after the conclusion of a public hearing, the Planning Commission shall render its decision thereon by formal resolution reciting the findings

upon which such decision is based. The failure of the Planning Commission to render such decision within the time specified shall cause the entire matter automatically to be referred to the Council, without recommendation, for such action as it deems warranted under the circumstances. In such event, the Secretary of the Planning Commission shall immediately deliver to the City Council all of the records in the matter. (Zoning ordinance § 17.20.51)

**17.20.120 Variances and modifications—
Decision.**

Within five (5) days after final action by the Planning Commission on an application for a variance or modification, notices of the decision on the matter shall be mailed to the applicant at the address shown upon the application, and to all other persons who have filed a written request therefor with the Secretary of the Planning Commission.

A. Appeal. The granting either with or without conditions or the denial of such application by the Planning Commission shall be final unless within ten (10) days of the decision by the Planning Commission, two (2) members of the City Council may request in writing to the City Clerk or by motion at a meeting of the City Council that the matter be set for hearing before the Council for review. At its next regular meeting after the filing of the appeal with the City Clerk, or upon the request of two (2) members of the City Council, the Council shall set a date for a hearing thereon. The manner of setting the hearing, giving notice and conducting the hearing shall be the same as hereinbefore prescribed for hearing by the Planning Commission. The decision appealed from or reviewed by the City Council may be affirmed, modified, or reversed by a vote of not less than three (3) members of the Council.

B. Permits. No permit or license shall be issued for any use involved in an application for a variance or modification until same shall have become final by reason of the failure of any person to appeal or by reason of the action of the Council.

C. Abandonment and Extension. If the use authorized by any variance, modification, design review or conditional use permit is, or has been, unused, abandoned or discontinued for a period of six (6) months, or the conditions have not been complied with, said variance, modification, design review or conditional use permit shall become null and void and of no further force or effect, unless an extension therefor has been granted by the Planning Commission upon the written petition of an interested person filed with the Planning Commission prior to the expiration of such six (6) month period. A

fee in the amount of sixty dollars (\$60.00) shall be payable at the time of filing the written petition for any such extension. (Zoning ordinance §§ 17.20.53—17.20.59)

17.20.130 Reconsideration fee.

A fee of seventy-five dollars (\$75.00) shall be payable by an applicant who may seek to obtain reconsideration by the Planning Commission of any prior action or approval of the Planning Commission. (Zoning ordinance § 17.20.61)

17.20.140 Council—Final hearings.

The Council, after receipt of the report and recommendations from the Planning Commission, shall hold a final hearing hereon. The manner of setting the hearing, giving of notice and conducting the hearing shall be the same as hereinbefore prescribed for hearings by the Planning Commission. Such recommendation of the Planning Commission may be approved, modified or reversed by a vote of not less than three (3) members of the Council. (Zoning ordinance § 17.20.63)

**17.20.150 Permit or license issuance—
Effective ordinance required.**

No permit or license shall be issued for any use involved in an application for a change of zone until the ordinance effecting such change shall be in effect. (Zoning ordinance § 17.20.65)

**17.20.160 Modification committee—General
provisions.**

A. Creation. There is created a Modification Committee composed of three (3) persons.

B. Membership. The Modification Committee shall consist of the Chairperson of the Planning Commission, or such member of the Planning Commission as the Chairman may from time to time designate; the City Engineer or during his or her absence, disability or disqualification, his or her deputy so designated by him or her, and the Planning Services Manager, or during his or her absence, disability or disqualification, his or her deputy so designated by him or her.

C. Secretary and Chairperson. The Secretary of the Planning Commission shall serve as Secretary of the Modification Committee, and the records of said committee shall at all times be available to the Planning Commission. The Chairperson of the Modification Committee shall be the Planning Commission member thereon. Minutes of all Modification Committee meetings shall be mailed to all members of the Planning Commission.

D. Meetings. Said Modification Committee shall meet at the call of the Chairperson to consider applica-

tions as provided herein and all such meetings shall be open to the public.

E. Authority. The Modification Committee shall have authority to grant, subject to appeal to the Planning Commission and the Council, under the provisions of this title, any relief specified in the following subsections:

1. Permit the modification or waiver of the automobile parking space or loading space requirements or of the requirements for access thereto where, in the particular instance, such modification will not be inconsistent for the purposes and intent of this title;

2. Permit such modification of the height, sign, yard, lot area and satellite dish antenna regulations as may be necessary to secure appropriate improvements on a lot, to prevent unreasonable hardship, or to promote uniformity or improvement;

3. Permit such modification of fence, wall and hedge regulations as may be necessary to secure an appropriate improvement on a lot;

4. Permit such minor reductions and modification of floor area occupied by a single-user pursuant to multiple-tenant development standards and such standards as required under Chapter 17.74 where such minor reductions and modification will not be inconsistent with the purposes and intent of multiple-tenant development standards and guidelines.

F. Action by Committee. No modification permitted by this chapter may be granted except by the unanimous affirmative vote of all of the members of the Modification Committee. If any modification application is disapproved by two (2) or more members of the Committee, the application shall be deemed to have been denied and such denial shall be final, subject only to appeal as provided in subsection H of this section. The Modification Committee may in its discretion refer to the Planning Commission any application for modification for decision by the Planning Commission without further fee to the applicant. If only one member of the Modification Committee disapproves a modification application, such application shall automatically be referred to the Planning Commission for decision.

G. Procedure. The procedure for acting upon applications for modifications by the Modification Committee shall be the same as the procedures for acting upon applications for variances, by the Planning Commission, except that the required notice shall be to all property owners within a three hundred (300) foot radius.

H. Appeals. Appeals from the decisions of the Modification Committee shall be made to the Planning Commission. After action on an appeal by the Planning Commission an appeal may be made to the Council in the

same manner as an appeal for a variance. (Zoning ordinance §§ 17.20.67—17.20.89)

17.20.170 Relief to be afforded.

If, after a public hearing before the Planning Commission in a proceeding for a change of zone, the evidence received shows facts which by the provisions of this chapter would entitle a person to a variance or conditional use permit, the Planning Commission may recommend to the City Council the granting of a variance or conditional use permit to permit the subject property to be used for any use or uses permitted in the zone for which the proceedings were instituted. Thereafter the City Council may, after a public hearing hereon, grant a variance or conditional use permit to permit the subject property to be used for any use or uses permitted in the zone for which the proceedings were instituted. (Zoning ordinance § 17.20.91)

17.20.180 Filing of names and addresses.

Whenever an application is made for a variance, modification, conditional use permit, or the classification or reclassification of the property, and notice is required by the law or by this code to be mailed to owners of property, the applicant shall prepare and file with any such application two (2) sets of gummed labels containing the names and addresses, as shown on the last equalized assessment roll, of all persons required by law or by this code to be given notice of the hearing to be held on any such application. The applicant shall be responsible for the accuracy and completeness of such names and addresses, and the person preparing the same shall declare under penalty of perjury that all the names and addresses are as shown on the last equalized assessment roll (unless otherwise specified) and that they constitute all of the names and addresses of the owners of property to whom notice is required by law or by this code to be mailed in connection with the application with which such names and addresses are filed. (Zoning ordinance § 17.20.93)

Chapter 17.22**DESIGN REVIEW****Sections:**

17.22.010	Purpose.
17.22.020	Applicability.
17.22.030	Procedures.
17.22.040	Design review in conjunction with a conditional use permit.
17.22.050	General design standards.
17.22.060	Findings.
17.22.070	Time period.
17.22.080	Appeal.
17.22.090	Permit.
17.22.100	Fees.

17.22.010 Purpose.

The provisions of this chapter are established to:

- A. Encourage appropriate development that is compatible and harmonious with the design and use of surrounding properties and with the city in general;
- B. Foster the use of sound design principles which result in creative, imaginative solutions and establish structures of quality design throughout the city and which avoid monotony and mediocrity of development;
- C. Promote and maintain the public health, safety, general welfare throughout the city;
- D. Implement general plan policies which encourage the preservation and enhancement of the unique character and assets of the city. (Zoning ordinance § 17.22.02)

17.22.020 Applicability.

The City Planning Commission shall review and approve, conditionally approve, or deny the architectural design and site configuration for the following:

- A. Any new commercial, office, or industrial building;
- B. The expansion of an existing structure, if greater than a twenty-five (25) percent increase of the current gross floor area, except single-family residential structures;
- C. Conversion of a building from a residential use to any other nonresidential use;
- D. Any facade renovation or exterior improvement that is visible from the street where the improvement value as determined by the Chief Building Official exceeds one hundred thousand dollars (\$100,000.00). (Zoning ordinance § 17.22.04)

17.22.030 Procedures.

- A. Applications. Applications for design review shall

be made on the appropriate form to the City Planning Commission. The Planning Services Manager shall determine the minimum filing procedures, content and form of materials which must be submitted before the City Planning Commission can review and take action on a design review request. The filing procedures and applications shall be published and made available to the public. No petition shall be received unless it complies with all city filing requirements. The City Planning Commission, or City Council on appeal, may at its discretion request additional information before rendering a decision.

The applicant shall bear the burden of providing sufficient documents and exhibits that allow the City Planning Commission, or City Council upon appeal, to render a decision upon the application under consideration. It is the responsibility of the applicant to certify the information contained therein.

The application shall also be accompanied by the following information:

1. Site plan (1"=10');
2. Property lines/easements;
3. Existing structures on the site;
4. Proposed building with dimensions;
5. Location, number of parking spaces, dimensions;
6. Pedestrian, vehicular and service ingress and egress, driveway widths;
7. Setbacks;
8. Street dedications and improvements;
9. Location, height and design of all fences or walls;
10. Open space use and landscaped areas;
11. All elevations of each building and composite elevation from street, if multiple buildings are proposed (1/4"=1');
12. Floor plans (1/4"=1');
13. Color renderings, if necessary;
14. Exterior lighting, including building mounted, pole mounted;
15. All signs including free standing signs and directional signs;
16. Utility lines, meters, boxes;
17. Refuse areas and recycling storage and pickup locations;
18. Flues, chimneys;
19. Awnings, if any;
20. Mechanical equipment;
21. Loading docks;
22. Downspouts;
23. Landscaping. Plans showing proposed landscaped areas and general descriptions of landscaping to be installed together with a layout of the irrigation system and the manner by which the landscaping will be maintained.

B. Records. Applications filed pursuant to this chapter shall be numbered consecutively in the order of their filing and shall be part of the permanent official records of the City Planning Commission, and there shall be attached thereto copies of all notices and actions pertaining thereto.

C. Investigations. The City Planning Commission shall cause to be made by its own members, or members of city staff, an investigation of the facts that will serve to provide the necessary information to assure that the action on each application is consistent with the intent and purpose of this chapter. (Zoning ordinance § 17.22.06)

17.22.040 Design review in conjunction with a conditional use permit.

When a conditional use permit is filed for a residential development, the City Planning Commission, or City Council on appeal, shall review the architectural design and site configuration concurrent with the conditional use permit and pursuant to the provisions of this chapter. (Zoning ordinance § 17.22.08)

17.22.050 General design standards.

The design review procedures and standards contained in this chapter are intended to encourage the broadest possible range of individual and creative design while meeting the above stated purposes. When reviewing and taking action on a design review request, the City Planning Commission shall take into consideration the following areas:

A. Site Planning and Configuration.

1. Project amenities shall be designed and located so as not to cause a nuisance to adjoining properties;

2. The trash collecting areas shall be integrated as part of the project design and appropriately located to assure that there shall be no detriment to surrounding structures and uses;

3. On-site lighting shall provide for the safety and security of the tenants, owners and visitors to the site while being directed away from adjacent properties and streets.

B. Architectural Design.

1. An appropriate project scale in relationship to the surrounding neighborhood;

2. Building entrances shall be located and designed to be identifiable from the public street;

3. Windows and openings shall incorporate accent treatment and materials;

4. Consideration shall be given to the sequence of roof levels, angles and exposure as viewed from a public right-of-way in order to emphasize attractive roof lines;

5. Wall design shall include appropriate articulation and fenestration to relieve any appearance of monotonous design.

C. Circulation and Parking.

1. The project shall be designed so that all vehicle movement on the site as well as to and from the site shall provide for safe and convenient pedestrian and vehicle access;

2. Pedestrian walkways and pathways shall link the project to the adjacent street and shall connect the individual buildings or structures within the project;

3. All driveway surface areas shall incorporate accent treatments within the design.

D. Landscaping.

1. Planting areas shall be designed and located to enhance the architectural design of the project;

2. Planting areas shall be designed and located to mitigate the monotonous appearance of driveways and parking lots;

3. Landscaping shall be designed and located to reduce dependence on mechanical heating and cooling systems. (Zoning ordinance § 17.22.10)

17.22.060 Findings.

Before a design review approval is granted the City Planning Commission, or City Council upon appeal, shall find and determine:

A. The granting of the design review request will not be detrimental to the public health or welfare or injurious to the property or improvements in such zone or vicinity;

B. The design of the proposed project would provide a desirable environment for its occupants and visiting public as well as its neighbors through good aesthetic use of materials, textures, and colors that will remain appealing and will retain a reasonably adequate level of maintenance;

C. The design and layout of the proposed project will not unreasonably interfere with the use and enjoyment of neighboring existing or future development, and will not result in vehicular and/or pedestrian hazards;

D. The architectural design of the proposed project is compatible with the character of the surrounding neighborhood and will maintain the harmonious, orderly and attractive development contemplated by the provisions of this chapter and the general plan; and

E. The landscape considerations including the location, type, size and coverage of plant materials, provisions for irrigation, maintenance and protection of landscaped areas, have been provided to insure visual relief, to complement buildings and structures and to provide an attractive environment. (Zoning ordinance § 17.22.12)

17.22.070 Time period.

A. The construction authorized by the Design Review shall be valid for six (6) months, ten (10) days after the date of adoption of the City Planning Commission resolution.

B. If the applicant has proceeded in good faith toward the implementation of the entitlement granted as determined by the Planning Services Manager, then the applicant may be granted an extension of the design review by the City Planning Commission prior to the expiration of the six (6) month period. (Zoning ordinance § 17.22.14)

17.22.080 Appeal.

If any interested party, or the applicant who filed the design review application request is dissatisfied with any requirement, ruling, finding, or disapproval by the City Planning Commission, they may file an appeal with the City Clerk to have the case reviewed by the City Council. Such filing must take place within (10) days following adoption of the City Planning Commission resolution. (Zoning ordinance § 17.22.16)

17.22.090 Permit.

No entitlement shall be issued for any purpose involved in an application for a design review until same shall have become final by reason of the failure of any person to appeal or by reason of the action of the City Council. (Zoning ordinance § 17.22.18)

17.22.100 Fees.

Before accepting an application for filing, the Planning Division shall collect a fee for the purpose of defraying the expenditures incidental to the proceedings prescribed herein. The amount of the fee shall be in accordance with the most recently adopted City Council resolution. (Zoning ordinance § 17.22.20)

Chapter 17.24

CONDITIONAL USE PERMITS

Sections:

17.24.010	Purpose.
17.24.020	Procedures.
17.24.030	Conditionally permitted uses in any zone.
17.24.040	Conditionally permitted uses in specified zones.
17.24.050	Findings.
17.24.060	Time period.
17.24.070	Appeal.
17.24.080	Permit.
17.24.090	Abandonment and extension.
17.24.100	Revocation.
17.24.110	Fees.

17.24.010 Purpose.

In accordance with the provisions of this chapter, uses may be permitted by the City Planning Commission subject to certain conditions designed to mitigate the potentially negative impacts of that use in that zone and location. This chapter establishes both uses and zones where the granting of a conditional use permit may be appropriate. (Zoning ordinance § 17.24.02)

17.24.020 Procedures.

The rules and procedures for applications, records, investigations, notices and public hearings applicable to conditional use permits shall be as follows:

A. Application. Applications for conditional use permit shall be made on the appropriate form to the City Planning Commission. The Planning Services Manager shall determine the minimum filing procedures, content and form of materials which must be submitted before the City Planning Commission can review and take action on the conditional use permit request. The filing procedures and applications shall be published and made available to the public. No petition shall be received unless it complies with all city filing requirements. The City Planning Commission, or City Council on appeal, may at its discretion request additional information before rendering a decision. The applicant shall bear the burden of providing sufficient documents and exhibits that allow the City Planning Commission, or City Council upon appeal, to render a decision upon the application under consideration. Further, it is the responsibility of the applicant to certify the information contained therein.

B. Records. Applications filed pursuant to this chapter shall be numbered consecutively in the order of their filing and shall be part of the permanent official records of the City Planning Commission, and there shall be attached thereto copies of all notices and actions pertaining thereto.

C. Investigation. The City Planning Commission shall cause to be made by its own members, or members of city staff, an investigation of the facts that will serve to provide the necessary information to assure that the action on each application is consistent with the intent and purpose of this chapter.

D. Public Notice. Public notices shall be provided and processed in a manner consistent with the provisions of California Government Code Section 65090 and/or 65091 as required, and shall be given by the methods specified as follows:

1. By publishing once in a newspaper of general circulation in the city;

2. By mailing a notice, postage prepaid, to the applicant and to owners of all properties within three hundred (300) feet of the exterior boundaries of the property involved in the application, using for this purpose, the last known name and address of such owners as shown upon the last assessment roll of the city;

- a. For applications filed pursuant to Sections 17.24.030(8) and 17.24.040(24) of this chapter, this distance shall be increased to include owners of all properties within nine hundred (900) feet of the exterior boundaries of the property involved in the application.

E. Public Hearings. Public hearings as provided for in this chapter shall be held before the City Planning Commission at the time and place for which public notice has been given as before required in this chapter. (Ord. 2530 § 4, 2001; zoning ordinance § 17.24.04)

17.24.030 Conditionally permitted uses in any zone.

The uses specified in the following subsections may be permitted in any zone upon the granting of a conditional use permit:

1. Airports or aircraft landing fields;
2. City, county, state, federal and other government or government-related enterprises, including buildings, facilities and use of departments or institutions thereof, if the occupancy is greater than ten thousand (10,000) square feet on a single property;
3. Day care and preschools for more than eight (8) people;
4. Educational institutions, including private schools, public elementary, junior, middle or high schools;
5. Institutions of a philanthropic or charitable nature;

6. Natural resources development together with the necessary buildings, apparatus or appurtenances necessary thereto;

7. Parks, playgrounds and community buildings;

8. Residential care facilities and transitional housing facilities with more than six (6) residents. (Ord. 2598 § 1, 2003; zoning ordinance § 17.24.06)

17.24.040 Conditionally permitted uses in specified zones.

The uses specified in the following subsections may be permitted in the zones indicated in this section upon the granting of a conditional use permit:

1. Adult entertainment establishments in accordance with El Monte Municipal Code Chapter 17.76;

2. Animal Husbandry Products. Formal, supervised youth-oriented animal husbandry projects, sponsored, conducted or approved by the Future Farmers of America, Boy Scouts of America, Girl Scouts of America, Four-H Club, or any similar nonprofit organization, in any residential zone;

3. Arcades, billiard, pool or snooker halls in C-3 or less restrictive zones;

4. Athletic clubs or health spas in C-2 or less restrictive zones;

5. Auditoriums in C-3 or less restrictive zones;

6. Automotive agency in C-3 or less restrictive zones;

7. Automobile body and fender repair and painting in C-3 or less restrictive zones;

8. Automobile rental or automobile leasing in C-2 or less restrictive zones;

9. Automobile repair in C-2 or less restrictive zones;

10. Automobile service stations in C-2 or less restrictive zones;

11. Automobile storage garages, including servicing;

12. Automobile or truck wash, either mechanized or nonmechanized, in C-2 or less restrictive zones;

13. Automobile sales facility or new car dealers with used car sales, service, and outdoor motor vehicle display and storage only as ancillary uses of the new car dealership;

14. Automobile sales of used cars, provided that such area is located and developed, as required in Chapter 17.62 of this title;

15. Bowling centers in C-2 or less restrictive zones;

16. Cabaret dance in C-3 or less restrictive zones;

17. Cafes in C-3 or less restrictive zones;

18. Cesspool pumping, draining or cleaning in the M-2 zone;

19. Churches, mosques, temples, synagogues, seminaries, temporary revivals or other places used for religious worship in any C or less restrictive zone;

20. Convention hall, trade show, exhibit building in C-2 or less restrictive zones;

21. Dairies and livestock feed yards, stockyards and slaughterhouses in the M-3 zone;

22. Drive-through facilities in any C or M zone;

23. Entertainment establishments, including, but not limited to, dancing, karaoke, KTV, live music, miniature auto driving, miniature golf courses, movie theaters, performance art houses, etc., whether as a separate business or conducted as a part of a permitted use and whether open to the public or restricted to membership of a club in any C-2 or less restrictive zone;

24. Equestrian establishments, stables or riding academies or schools in C-3 or less restrictive zones;

25. Establishments or enterprises involving large assemblages of people or automobiles, including amusement parks, circuses, carnivals, expositions, fairgrounds, open-air theaters, race tracks, recreational and sports centers in any C or less restrictive zone;

26. Garment manufacturing, limited to sewing machine operation, cutting and garment assembly in the C-3 zone;

27. Halfway houses, including facilities used to house released federal, state or local inmates or facilities used in conjunction with drug/alcohol treatment centers in any C or M zone;

28. Impound yard in any M zone;

29. Kennels in any M zone;

30. Lodge halls, private clubs, and other establishments designed for meetings or catered events in C-3 or less restrictive zones;

31. Mini-malls (subdivision of the floor area of a single business occupancy into multiple business occupancies) in C-1 or less restrictive zones;

32. Mobilehome or trailer parks in R-3 or less restrictive zones;

33. Motels/hotels in C-2 or less restrictive zones;

34. Multiple-family residential development (three (3) or more units on a site/attached or detached/single-family or multiple-family) in the R-1B or less restrictive residential zones;

35. Multiple-tenant development in the C-1 or less restrictive zone, (for guidelines, see City Planning Commission Resolution No. 2021, adopted February 6, 1989)(Chapter 17.74 of this code);

36. New development or construction or occupancy of an industrial building in any M zones within one hundred fifty (150) feet of a residentially zoned or used property;

37. Off-sale beer, wine or liquor establishments, (for guidelines, see City Planning Commission Resolution No. 1762, adopted March 4, 1985);

38. On-sale beer, wine or liquor establishments in C-3 or less restrictive zones if the perimeter of the lot or parcel of land upon which any portion of such business is conducted is located at least two hundred (200) feet from all properties zoned for, or in fact used for residential purposes;

39. Outdoor advertising structures in C-3 or less restrictive zones, erected in conformance with Section 17.04.020 and Chapter 17.70 of this title;

40. Parking lots in the C-1 or less restrictive zone, if there is a charge for parking and the parking which is charged for is required parking for the uses on-site;

41. Public utility or public service buildings, structures and uses, except facilities which are located within the Northwest El Monte redevelopment project area and part of an environmental remediation program reviewed and approved by a regulatory agency in a C-3 or less restrictive zone, if designed and installed pursuant to City Council resolution;

42. Recycling facilities or centers, excluding small collection facilities, as defined in El Monte Municipal Code Chapter 17.04, in C-4 or less restrictive zones;

43. Residential uses or expansion of an existing dwelling unit by more than fifty (50) percent of its current floor area in any C or M zone;

44. Restaurants, as defined in Chapter 17.04 of this title, serving alcohol in C-2 or less restrictive zones;

45. Secondhand vendors and pawnshops in C-2 or less restrictive zones, provided that no other secondhand vendor or pawnshop shall be located within a one thousand (1,000) foot radius of the property;

46. Senior housing developments in R-3 or less restrictive zones;

47. Signs over twenty-five (25) feet in height not otherwise prohibited by any provisions of this chapter in any C or M zone;

48. Single movie theaters or auditoriums (except drive-in theaters) with fixed seating accommodating more than two hundred fifty (250) persons, or multi-movie theater complex with fixed seating, each screening room with a minimum seating capacity of two hundred (200) persons in any C-2 or less restrictive zone;

49. Skating rinks in any C-3 or less restrictive zone;

50. Self-storage facilities in C-2 or less restrictive zones;

51. Tattoo parlors or body piercing establishments in C-3 or less restrictive zones;

52. Taxi service or passenger transportation services in C-3 or less restrictive zones;

53. Telecommunication equipment and facilities, including, but not limited to, television antennae, cellular telephone facilities, personal communication systems support structures, satellite antennae systems, etc. in any C or M zone;

54. Trade, business or professional schools in C-1 or less restrictive zones, if the facility is designed for an occupancy greater than ten (10) students;

55. Truck and trailer rental in C-3 or less restrictive zones;

56. Undertaking establishments and mortuaries in any C or less restrictive zone;

57. Wedding chapels in any C-2 or less restrictive zone. (Ord. 2659 § 5 (part), 2005; Ord. 2634 § 13 (part), 2004; Ord. 2607 § 5, 2004; Ord. 2585 § 12, 2003; Ord. 2525 § 4 (part), 2000; Ord. 2522 § 6, 2000; amended during 1999 recodification; zoning ordinance § 17.24.08)

17.24.050 Findings.

Before a conditional use permit may be granted, it shall be shown and the City Planning Commission, or City Council upon appeal shall find and determine:

A. The granting of such conditional use permit will not be detrimental to the public health or welfare or injurious to the property or improvements in such zone or vicinity;

B. The use applied for at the location indicated is properly one for which a conditional use permit is authorized;

C. The site for the proposed use is adequate in size and shape to accommodate such use; and that all yards, spaces, walls, fences, parking, loading, landscaping, and other features required to adjust such use with the land and uses in the neighborhood are provided,

D. The site abuts streets and highways adequate in width and pavement type to carry the kind of traffic generated by the proposed use;

E. The granting of such conditional use permit will not adversely affect the purpose, goals and policies of the city of El Monte general plan. (Zoning ordinance § 17.24.10)

17.24.060 Time period.

A. The granting of a conditional use permit by the City Planning Commission shall be valid for six (6) months ten (10) days after the date of adoption of the City Planning Commission resolution.

B. If the applicant has proceeded in good faith toward the implementation of the permit granted as deter-

mined by the Planning Services Manager, then the applicant may be granted an extension of the conditional use permit by the City Planning Commission prior to the expiration of the six (6) month period. (Zoning ordinance § 17.24.12)

17.24.070 Appeal.

If any interested party, or the applicant who filed the conditional use permit is dissatisfied with any condition, ruling, finding, approval or disapproval by the City Planning Commission, they may file an appeal with the City Clerk to have the case reviewed by the City Council. Such filing must take place within ten (10) days following adoption of the City Planning Commission resolution. (Zoning ordinance § 17.24.14)

17.24.080 Permit.

No entitlement shall be issued for any purpose involved in an application for a conditional use permit until same shall have become final by reason of the failure of any person to appeal or by reason of the action of the City Council. (Zoning ordinance § 17.24.16)

17.24.090 Abandonment and extension.

If the use authorized by any conditional use permit is, or has been, unused, abandoned or discontinued for a period of six (6) months, such conditional use permit shall become null and void and of no effect, unless an extension therefore has been granted by the City Planning Commission prior to the expiration of the six (6) month period. (Zoning ordinance § 17.24.18)

17.24.100 Revocation.

A. All of the conditions of approval adopted by the City Planning Commission, or City Council on appeal, shall remain in full force and effect as long as the use for which the conditional use permit was granted remains in operation. Any entitlement granted pursuant to this chapter is transferable and assignable, however, all successors in interest shall abide by all of the original conditions.

B. Any party that fails to conduct the use pursuant to the terms and conditions of the conditional use permit shall be subject to the following revocation proceedings. The City Planning Commission, on its own motion, may, or upon the direction of the City Council, shall hold a public hearing upon the question of revocation of a conditional use permit granted pursuant to the provisions of this chapter. Notice of such hearing shall be given pursuant to Government Code Sections 65090 and/or 65091, as required.

C. A conditional use permit shall be revoked if the City Planning Commission finds that one or more of the following conditions exist:

1. The conditional use permit was obtained in a fraudulent manner;

2. The conditional use permit is being, or has been, exercised contrary to the conditions of approval imposed upon such permit;

3. The conditional use permit is being, or has been, exercised in violation of any federal, state, or local law or is in violation of approved conditions of approval;

4. The use for which the conditional use permit was granted is being exercised so as to be detrimental to the public health or safety, or so as to constitute a nuisance. (Zoning ordinance § 17.24.20)

17.24.110 Fees.

Before accepting an application for filing, the Planning Division shall collect a fee for the purpose of defraying the expenditures incidental to the proceedings prescribed in this chapter. The amount of the fees collected shall be in accordance with the fee schedule of the city. (Amended during 1999 recodification; zoning ordinance § 17.24.22)

Chapter 17.26

ZONE CHANGE—ZONING CODE AMENDMENT

Sections:

- 17.26.010 Amendments and changes of zone boundaries.
- 17.26.020 Filing of applications.
- 17.26.030 Records.
- 17.26.040 Filing fees.
- 17.26.050 Investigation.
- 17.26.060 Notices.
- 17.26.070 Notice—Method.
- 17.26.080 Public hearings.
- 17.26.090 Findings.
- 17.26.100 Appeal.
- 17.26.110 Reconsideration fee.
- 17.26.120 General plan amendments.
- 17.26.130 Text—Amendments and zone changes.
- 17.26.140 Relief to be afforded.
- 17.26.150 Filing of names and addresses.

17.26.010 Amendments and changes of zone boundaries.

Whenever the public necessity, convenience, general welfare or good zoning practice justify such action, the Planning Commission upon its own motion may, or upon the verified application of any interested person shall initiate proceedings to amend, supplement or change the zones, standards or districts established or regulated by this title. For each application submitted by an interested person for initiations of proceedings to amend, supplement or change a zone, a standard or a district as established or regulated by this title, a fee of three thousand dollars (\$3,000.00) shall be paid at the time of filing the application. (Zoning ordinance § 17.26.01)

17.26.020 Filing of applications.

Applications for changes of zone shall be made in writing to the Planning Commission in such form as is approved by the Planning Commission. The Planning Commission may provide forms for such purposes and may prescribe the type of information to be provided thereon. No petition shall be received unless it complies with such requirements. (Zoning ordinance § 17.26.03)

17.26.030 Records.

Applications filed pursuant to this chapter shall be numbered consecutively in the order of their filing and shall become a part of the permanent official records of

the Planning Commission, and there shall be attached thereto copies of all notices and actions pertaining thereto. (Zoning ordinance § 17.26.05)

17.26.040 Filing fees.

Before accepting any application for filing, the city shall charge and collect, for the purpose of defraying the expenditures incidental to the proceedings prescribed herein, the respective fees specified as follows:

Change of Zone. For each application for a change of zone, a fee of three thousand dollars (\$3,000.00) shall be payable at the time of filing the application; provided, however, that there shall be no fee for the filing of a change of zone application requesting reclassification from zone R-2 or some less restrictive zone to zone R-1a, R-1b or R-1c. (Zoning ordinance §§ 17.26.07, 17.26.09)

17.26.050 Investigation.

The Planning Commission shall cause to be made by its own members, or members of its staff, such investigation of facts bearing upon such application as will serve to provide all necessary information to assure that the action on each such application is consistent with the intent and purpose of this title and with previous amendments, variances or modifications. (Zoning ordinance § 17.26.11)

17.26.060 Notices.

Following the receipt in proper form of any such application, the Secretary of the Planning Commission shall fix a time and place of public hearing thereon. Not less than ten (10) days before the date of such public hearing, notice of the date, time, place of hearing and location of the property and the nature of the request shall be given by any two of the methods specified as follows:

A. By publishing once in a newspaper of general circulation in the city;

B. By mailing a notice, postage prepaid, to the applicant, to each member of the Planning Commission, and to the owners of all property within three hundred (300) feet of the exterior boundaries of the property involved in the application, using for this purpose, the last known name and address of such owners as shown upon the last assessment roll of the city;

C. By posting notices not more than five hundred (500) feet apart along each and every street upon which the property involved abuts, for a distance of not less than three hundred (300) feet in each direction from the exterior limits of such property. (Zoning ordinance §§ 17.26.13—17.26.19)

17.26.070 Notice—Method.

Notice by mailing and publishing, as hereinbefore specified, shall be given unless the Planning Commission directs notice to be given in some other manner. (Zoning ordinance § 17.26.21)

17.26.080 Public hearings.

Public hearings as provided for in this title shall be held before the Planning Commission at the time and place for which public notice has been given as hereinbefore required.

A. Rules. The Planning Commission may establish its own rules for the conduct of such hearings.

B. Record. A summary of all pertinent testimony offered at a public hearing, together with the names and addresses of all persons testifying shall be recorded and made a part of the permanent files of the case.

C. Continuance. Any such hearing may be continued provided that, prior to the adjournment of recess thereof, the Presiding Officer at such hearing shall announce the time and place to which such hearing will be continued. (Zoning ordinance §§ 17.26.23—17.26.29)

17.26.090 Findings.

Within thirty-five (35) days after the conclusion of a public hearing, the Planning Commission shall render its decision thereon by formal resolution reciting the findings upon which such decision is based. The failure of the Planning Commission to render such decision within the time specified shall cause the entire matter automatically to be referred to the Council, without recommendation, for such action as it deems warranted under circumstances. In such event, the Secretary of the Planning Commission shall immediately deliver to the City Council all of the records in the matter. (Zoning ordinance § 17.26.31)

17.26.100 Appeal.

The granting either with or without conditions or the denial of such application by the Planning Commission shall be final unless within ten (10) days of the decision by the Planning Commission, two members of the City Council may request in writing to the City Clerk or by motion at a meeting of the City Council that the matter be set for hearing before the Council for review. At its next regular meeting after the filing of the appeal with the City Clerk, or upon the request of two (2) members of the City Council, the Council shall set a date for a hearing thereon. The manner of setting the hearing, giving notice and conducting the hearing shall be the same as hereinbefore prescribed for hearing by the Planning Commission. The decision appealed from or reviewed by the City Council may be affirmed, modified, or reversed

by a vote of not less than three (3) members of the Council. (Zoning ordinance § 17.26.33)

17.26.110 Reconsideration fee.

A fee of seventy-five dollars (\$75.00) shall be payable by an applicant who may seek to obtain reconsideration by the Planning Commission of any prior action or approval of the Planning Commission. (Zoning ordinance § 17.26.35)

17.26.120 General plan amendments.

Whenever the public necessity, convenience, general welfare or good community planning practice justify such action, the Planning Commission upon its own motion may, or upon the verified application of any interested person shall, initiate proceedings to amend, supplement or change the general plan of the city (or an element thereof). For each application submitted by an interested person for initiation of proceedings to amend, supplement or change the general plan of the city (or an element thereof) a fee of three thousand dollars (\$3,000.00) shall be paid at the time of filing the application. (Zoning ordinance § 17.26.37)

17.26.130 Text—Amendments and zone changes.

Within ten (10) days after the final action by the Planning Commission on an application for amendments or changes of zone boundaries, its recommendations together with the complete records of the case shall be delivered to the Council.

A. Council Hearings. The Council, after receipt of the report and recommendations from the Planning Commission, shall hold a final hearing hereon. The manner of setting the hearing, giving of notice and conducting the hearing shall be the same as hereinbefore prescribed for hearings by the Planning Commission. Such recommendation of the Planning Commission may be approved, modified or reversed by a vote of not less than three (3) members of the Council.

B. Permits. No permit or license shall be issued for any use involved in an application for a change of zone until the ordinance effecting such change shall be in effect. (Zoning ordinance §§ 17.26.39—17.26.43)

17.26.140 Relief to be afforded.

If, after a public hearing before the Planning Commission in a proceeding for a change of zone, the evidence received shows facts which by the provisions of this chapter would entitle a person to a variance or conditional use permit, the Planning Commission may recommend to the City Council the granting of a variance or condi-

tional use permit to permit the subject property to be used for any use or uses permitted in the zone for which the proceedings were instituted. Thereafter the City Council may, after a public hearing hereon, grant a variance or conditional use permit to permit the subject property to be used for any use or uses permitted in the zone for which the proceedings were instituted. (Zoning ordinance § 17.26.45)

17.26.150 Filing of names and addresses.

Whenever an application is made for a variance, modification, conditional use permit, or the classification or reclassification of the property, and notice is required by the law or by this code to be mailed to owners of property, the applicant shall prepare and file with any such application two (2) sets of gummed labels containing the names and addresses, as shown on the last equalized assessment roll, of all persons required by law or by this code to be given notice of the hearing to be held on any such application. The applicant shall be responsible for the accuracy and completeness of such names and addresses, and the person preparing the same shall declare under penalty of perjury that all the names and addresses are as shown on the last equalized assessment roll (unless otherwise specified) and that they constitute all of the names and addresses of the owners of property to whom notice is required by law or by this code to be mailed in connection with the application with which such names and addresses are filed. (Zoning ordinance § 17.26.47)

Chapter 17.28**ENFORCEMENT****Sections:**

17.28.010	Purpose.
17.28.020	Administration.
17.28.030	Enforcement.
17.28.040	Violation—Penalty.
17.28.050	Abatement.
17.28.060	Cumulative remedies.

17.28.010 Purpose.

The purpose of this chapter is to establish procedures to ensure that the provisions of this title and any land use entitlement granted by the city are diligently pursued to completion, and to provide effective administration of this title, in order to promote the city's planning efforts and to protect the public health, safety, general welfare and peace. (Zoning ordinance § 17.28.10)

17.28.020 Administration.

The provisions of this title shall be interpreted and administered by the Community Development Department. Any decision of the Department may be appealed to the City Planning Commission, and/or City Council in accordance with the provisions contained herein. (Zoning ordinance § 17.28.20)

17.28.030 Enforcement.

It shall be the duty of the Community Development Department, including the Building Division, the Code Enforcement Division, the Engineering Division, the Planning Division and Public Works to enforce this title, and their respective deputies, employees and subordinates, are authorized to enforce the provisions of this title. All departments, officials and public employees of the city vested with the duty or authority to issue permits or licenses, shall conform to the provisions of this title and shall issue no permit or license for uses, buildings or purposes in conflict with the provisions of this title; and any such permit or license issued in conflict with the provisions of this title shall be null and void. (Zoning ordinance § 17.28.30)

17.28.040 Violation—Penalty.

Any person, entity or corporation violating any provision of Title 17 or any condition imposed upon a land use entitlement, shall be guilty of a misdemeanor which shall be punishable as provided in Chapter 1.24 of this code. (Amended during 1999 recodification; zoning ordinance § 17.28.40)

17.28.050 Abatement.

A. Any building or structure erected altered, expanded or maintained, or any use of property, contrary to the provisions of this title or any condition imposed upon a land use entitlement shall be, and the same is declared to be, unlawful and a public nuisance.

B. The City Attorney's office, at their discretion, may immediately commence actions and proceedings for the abatement, removal and enjoinder thereof, in the manner provided by law; and may take such other steps, and may apply to any court as may have jurisdiction to grant such relief as will abate or remove such building, structure or use and restrain and enjoin any individual, entity, company or corporation from erecting, enlarging or maintaining such building or structure, or using any property contrary to the provisions of this title or any condition imposed upon a land use entitlement granted by the city. Subsequent to the abatement of the public nuisance a lien will be filed against the property in order to recover all costs associated with the abatement of said nuisance. (Zoning ordinance § 17.28.50)

17.28.060 Cumulative remedies.

This title may also be enforced by injunction issued out of Superior Court upon the suit of the city of the owner or occupant of any real property affected by such violation or prospective violation. This method of enforcement shall be cumulative and in no way effect the penal provisions hereof. (Zoning ordinance § 17.28.60)

Chapter 17.30

ZONING CLASSIFICATIONS AND MAPS

Sections:

- 17.30.010** **Establishment of zones—Zone classifications.**
17.30.020 **Zoning map.**
17.30.030 **Boundaries of zones.**

17.30.010 **Establishment of zones—Zone classifications.**

In order to classify, regulate, restrict and segregate the uses of land and buildings; to regulate and restrict the height and bulk of buildings; to regulate the area of yards and open spaces about buildings; and to regulate the density of population, the following classes of land use zones are hereby established and are to be known as follows:

R-1a	One-family dwelling zone
R-1b	One-family dwelling zone
R-1c	One-family dwelling zone
R-2	Low-density multiple-family dwelling zone
R-3	Medium-density multiple-family dwelling zone
R-4	High-density multiple-family dwelling zone
RMP	Residential mobilehome park zone
PRD	Planned residential development zone
C-O	Professional office zone
C-1	Limited commercial zone
C-2	Retail commercial zone
RC	Retail core zone
C	Commercial zone
C-3	General commercial zone
C-4	Heavy commercial zone
M-1	Light manufacturing zone
M-2	General manufacturing zone
P	Automobile parking zone

(Zoning ordinance § 17.30.10)

17.30.020 **Zoning map.**

A. For convenience of use, the city zoning map Z-1, as heretofore adopted and made a part of this code, and as thereafter from time to time amended, is divided into forty (40) parts, each such part being designated by a map number and assigned a subsection number, the relationship of each such part to the other being designated on a chart, the circled numerals on which correspond with the respective map and subsection number thus assigned.

B. The boundaries of each zone classification heretofore established are designated on the said map parts by means of the zoning classification symbols preceding the respective zone classifications set forth in Section 17.30.010, and the zone classification of each lot or parcel of land shown on said map parts is established and re-established as indicated by the respective zone classification symbol or symbols thereon shown. The zoning map as thus divided and numbered, and all the notations, references and other information shown thereon shall be as much a part of this title as through the matters and information set forth on said maps were all fully described and set forth herein. (Zoning ordinance § 17.30.30(1))

17.30.030 **Boundaries of zones.**

Where uncertainty exists as to the boundaries of any zone shown on said map, the following rules shall apply:

A. Where such boundaries are indicated as approximately following street and alley lines or lot lines, such lines shall be construed to be such boundaries;

B. In unsubdivided property or where a zone boundary divides a lot, the location of such boundary, unless the same is indicated by dimensions, shall be determined by use of the scale appearing on the map;

C. Where any public street or alley is officially vacated or abandoned, the regulations applicable to abutting property shall apply to such vacated or abandoned street or alley;

D. Where any private right-of-way or easement of any railroad, railway, canal transportation or public utility company is vacated or abandoned, the regulations applicable to abutting property shall apply to such vacated or abandoned property;

E. All property in the city not otherwise classified, and all property hereafter annexed and not zoned upon annexation, is classified as R-1a zone;

F. In case any uncertainty exists, the Planning Commission shall determine the location of the boundaries. (Zoning ordinance § 17.30.30(2))

Chapter 17.32**R-1A ZONE****Sections:**

17.32.010	Uses permitted.
17.32.020	Signs.
17.32.030	Regulations.

17.32.010 Uses permitted.

No lot, premises, building or structure in the R-1a one-family dwelling zone shall be used for any use or purpose other than those specified in the following subsections:

1. Not more than one one-family dwelling on any lot as defined by Chapter 17.04 of this title;
2. The accessory buildings necessary to such one-family dwelling, located on the same lot or parcel of land, including a private garage the capacity of which shall not exceed three (3) automobiles;
3. The maintaining of a mail address for commercial, professional and business license purposes only, provided that no stock in trade, supplies, professional equipment, apparatus or business equipment are kept on the premises, and provided that no employees or assistants are engaged for said services on the premises;
4. Private greenhouse of not over five hundred (500) square feet in area, horticultural collections, flower gardens, vegetable gardens, fruit trees;
5. Where a dwelling existed prior to the effective date of the ordinance codified in this title on the rear half of the lot and at least seventy-five (75) feet back of the front lot line, an additional dwelling may be constructed and maintained on the front half of said lot;
6. Subject to provisions of Section 5.96.060 of this code, a trailer may be used or occupied as a temporary dwelling in the rear yard only for a period not to exceed sixty (60) days;
7. Garage sales, as defined and if conducted in accordance with the provisions of Chapter 5.44 of this code;
8. Transitional Parking. If any portion of a lot sides upon a lot in zone C-1 or in some less restrictive zone, or sides upon a lot which is entirely developed and used for transitional parking and which also sides upon a lot in zone C-1 or in some less restrictive zone, that portion thereof within one hundred (100) feet of the lot thus zoned C-1 or less restrictively and upon which it sides or from which it is thus separated, may be used for any use specified in Chapter 17.62 of this title, upon condition that it be improved and maintained in accordance with all the provisions of said Chapter 17.62 and of Section 17.08.030. (Ord. 2634 § 13 (part), 2004; Ord. 2585 § 13, 2003;

amended during 1999 recodification; zoning ordinance §§ 17.32.010—17.32.025, 17.32.055—17.32.080)

17.32.020 Signs.

Any signs specified in the following subsections are permitted in zone R-1a in addition to those permitted by other sections of this chapter:

- A. One name plate sign per dwelling unit not to exceed one square foot of display area identifying the occupant of the premises; also address numbers not to exceed six (6) inches in height to be permitted on each name plate;
- B. One unlighted real estate sign per lot and one unlighted open house sign per lot or two on a corner lot not exceeding six (6) square feet in display area, each pertaining only to the sale, lease, or rent of the property on which the signs are displayed. Sign may be double faced or two signs in a "V" arrangement, the "V" not to exceed ninety (90) degrees. Riders are permitted on signs in excess of the six (6) square foot limit. Six (6) flags or pennants may be displayed on the property in addition to the signs permitted above;
- C. One unlighted pole or wall sign per lot not to exceed four (4) square feet pertaining to the legal sale of products raised, grown or produced on the premises or permitted services rendered on the premises. Pole sign shall not exceed six (6) feet in height;
- D. Directional signs shall be subject to the provisions of Chapter 17.12 of this title. (Zoning ordinance §§ 17.32.030—17.32.050)

17.32.030 Regulations.

The regulations contained in the following subsections shall apply to and be complied with as to every lot,

premises, building and structure in the R-1A one-family dwelling zone:

A. **Building Height.** No building or structure shall exceed in height two and one-half (2 1/2) stories, or thirty-five (35) feet.

B. **Front Yard.** There shall be a front yard of not less than twenty (20) feet or twenty (20) percent of the depth of the lot, whichever is greater, provided that such front yard need not exceed twenty-five (25) feet in depth. All portions of any building facing the front yard will require an additional two (2) foot setback added for any portion of the building that is above the level of the second story floor.

1. **Exception.** Where lots comprising forty (40) percent or more of the frontage on one side of a street between intersecting streets are developed with buildings having an average front yard with a variation of not more than ten (10) feet, no building hereafter erected or structurally altered shall project beyond the average front yard line so established. In determining such front yard depth, buildings located more than thirty-five (35) feet from the front property line shall be considered located thirty-five (35) feet from the front property line, and buildings facing a side street on a corner lot shall not be counted.

C. **Side Yard.** There shall be a side yard on each side of a main building of not less than five (5) feet on those portions of the building that do not extend above the level of the second story floor of the building, and not less than ten (10) feet on those portions of the building that are above the level of the second story floor. On the street side of corner lots, there shall be a side yard of not less than ten (10) feet; an additional two (2) foot setback must be added for any portion of the building that is above the level of the second story floor.

D. **Rear Yard.** Behind the most rear main building, there shall be a rear yard of not less than ten (10) feet, except where a greater distance is otherwise required by law.

E. **Lot Area.** The minimum lot area shall be not less than six thousand (6,000) square feet per dwelling unit and shall have a width of not less than sixty (60) feet at the mid point measured between the front and rear lot lines; provided, however, that when a lot has less area than herein required and was recorded at the time of the effective date of the ordinance codified in this chapter, the lot may be occupied by not more than one dwelling unit.

F. **Street Frontage.** Every lot in zone R-1A shall abut a public street for a distance of at least sixty (60) feet; provided, however, that lots abutting the radius at the end of the cul-de-sac street need not exceed thirty-five (35) feet.

G. **Minimum Floor Area.** No dwelling unit shall contain less than one thousand (1,000) square feet of floor area.

H. **Distance Between Buildings.** There shall be a minimum distance of six (6) feet between a building used for dwelling purposes and an accessory building on the same lot.

I. **Fencing.** For all sites serving three (3) or more dwelling units a solid six (6) foot high masonry wall shall be installed and maintained adjacent to the rear and interior side property lines to the front setback line. When the grade of the property being developed is below the grade of the adjacent property, the top of the wall shall be approximately six (6) feet above the grade of the adjacent property. When the grade of the property being developed is above the grade of the adjacent property, the top of the wall shall be above the grade of the adjacent property by the approximate sum of six (6) feet plus one-half of the difference in the elevation of the two (2) properties at the wall. In no event, however, except upon approval of a modification shall the top of the wall be more than eight (8) feet above the grade of the adjacent property. (Ord. 2662 § 5(C), 2006; zoning ordinance §§ 17.32.100—17.32.150)

Chapter 17.34**R-1B ZONE****Sections:**

17.34.010	Uses permitted.
17.34.020	Regulations.

17.34.010 Uses permitted.

No lot, premises, building or structure in the R-1B one-family dwelling zone shall be used for any use or purpose other than those specified in the following subsections:

1. Any use permissible in the R-1A one-family dwelling zone except accessory living quarters. An additional one-family dwelling shall be permitted as follows, a property with two hundred (200) feet or less of street frontage and width would qualify for one dwelling unit for every nine thousand seven hundred fifty (9,750) square feet of net land area; a property with two hundred one (201) to two hundred fifty (250) feet of street frontage and width would qualify for one dwelling unit for every eight thousand six hundred twenty-five (8,625) square feet of net land area; and a property with more than two hundred fifty (250) feet of street frontage and width would qualify for one dwelling unit for every seven thousand five hundred (7,500) square feet of net land area; provided, that no more than one dwelling shall be contained in any one building and the building site shall be approved pursuant to this title;

2. Breeding hatching, raising and fattening of poultry, fowl, nutria, birds, rabbits, chinchillas, earthworms, fish, frogs and bees for domestic or commercial use;

3. Keeping of horses on lots having an area of one-half acre (twenty-one thousand seven hundred eighty (21,780) square feet) or more, provided that the number of horses on any one lot shall not exceed one horse for every one quarter acre;

4. Transitional Parking. If any portion of a lot sides upon a lot in zone C-1 or in some less restrictive zone, or sides upon a lot which is entirely developed and used for transitional parking and which also sides upon a lot in zone C-1 or in some less restrictive zone, that portion thereof within one hundred (100) feet of the lot thus zoned C-1 or less restrictively and upon which it sides or from which it is thus separated, may be used for any use specified in Chapter 17.62 of this title, upon condition that it be improved and maintained in accordance with all the provisions of Chapter 17.62 and of Section 17.08.030. (Ord. 2669 § 5, 2006; amended during 1999 recodification; zoning ordinance §§ 17.34.01—17.34.01.40)

17.34.020 Regulations.

The regulations applicable to lots, premises, buildings and structures in the R-1A one-family zone shall apply to and be complied with as to every lot, premises, building and structure in the R-1B one-family dwelling zone.

A. The keeping of all fowl and animals shall conform to all other provisions of law governing same. No fowl, animal, pen, bin, coop, stable, barn or corral shall be kept or maintained within thirty-five (35) feet of any dwelling or other building used for human habitation, or within one hundred fifty (150) feet of the front lot line of the lot upon which it is located, or within one hundred (100) feet of any public park, school, hospital or similar institution. There shall be no killing or dressing of any animals or poultry for commercial purposes.

B. If more than one dwelling unit is constructed on one lot, each dwelling unit shall not only comply with the front yard, side yard and rear yard requirements of Chapter 17.32 of this title, but shall also be so located and maintained with respect to each other that yards will be provided and maintained on each side of each dwelling unit equivalent to the respective front, side and rear yards that would be required for one dwelling unit on one lot. (Zoning ordinance §§ 17.34.02—17.34.02.20)

Chapter 17.36

R-1C ZONE

Sections:

17.36.010	Uses permitted.
17.36.020	Regulations.

17.36.010 Uses permitted.

No lot, premises, building or structure in the R-1C 10,000 dwelling zone, shall be used for any use or purpose other than those specified in the following subsections:

1. One-family dwelling shall be permitted for each ten thousand (10,000) square feet upon the conditions and subject to the regulations hereinafter in this chapter specified;

2. Accessory buildings necessary or incidental to each one-family dwelling, located on the same lot or parcel of land, including a private garage for each lawful dwelling. The capacity of each such garage shall not exceed three (3) automobiles;

3. Any use permitted in Sections 17.32.010(1), (4) through (6), 17.32.020 and certain provisions of Chapter 17.34 of this title;

4. Horses. The keeping of not more than one horse for each member of the family residing upon the premises, or not more than one horse for each seven thousand five hundred (7,500) square feet of lot area, whichever number is greater; also the boarding of horses, provided that if horses are boarded upon the premises, not more than one horse shall be kept for each seven thousand five hundred (7,500) square feet or less of lot area;

5. Other Animals. The keeping of not more than three (3) female goats and their offspring less than one year of age, and the keeping of not more than three (3) sheep and their offspring less than one year of age, and the keeping of not more than one cow, but only for the personal use of the family residing upon the premises or in the conduct by any member of the family residing upon the premises of any program of animal husbandry as a member of any national or nonprofit educational or character building organization;

6. Transitional Parking. If any portion of a lot sides upon a lot in zone C-1 or in some less restrictive zone, or sides upon a lot which is entirely developed and used for transitional parking and which also sides upon a lot in zone C-1 or in some less restrictive zone, that portion thereof within one hundred (100) feet of the lot thus zoned C-1 or less restrictively and upon which it sides or from it is thus separated, may be used for any use specified in Chapter 17.62 of this title, upon condition that it be im-

proved and maintained in accordance with all the provisions of Chapter 17.62 and of Section 17.08.030. (Amended during 1999 recodification; zoning ordinance §§ 17.36.01—17.36.060)

17.36.020 Regulations.

The regulations contained in the following subsections shall apply to and be complied with as to every lot, premises, building, structure and use in the R-1C 10,000 dwelling zone:

A. Building Height. No building or structure shall exceed in height two and one-half (2 1/2) stories, or thirty-five (35) feet.

B. Front Yard. There shall be a front yard of not less than twenty (20) feet or twenty (20) percent of the depth of the lot, whichever is greater, provided that such front yard need not exceed twenty-five (25) feet in depth. All portions of any building facing the front yard will require an additional two (2) foot setback added for any portion of the building that is above the level of the second story floor.

1. Exception. Where lots comprising forty (40) percent or more of the frontage on one side of a street between intersecting streets are developed with buildings having an average front yard with a variation of not more than ten (10) feet, no building hereafter erected or structurally altered shall project beyond the average front yard line so established. In determining such front yard depths, buildings located more than thirty-five (35) feet from the front property line shall be considered located thirty-five (35) feet from the front property line, and buildings facing a side street on a corner lot shall not be counted.

C. Side Yard. There shall be a side yard on each side of a main building constructed at the front building line of not less than five (5) feet on those portions of the building that do not extend above the level of the second story floor of the building, and not less than ten (10) feet on those portions of the building that are above the level of the second story floor. On the street side of corner lots, there shall be a side yard of not less than ten (10) feet; an additional two (2) foot setback must be added for any portion of the building that is above the level of the second story floor. No dwelling or building intended or used for human habitation constructed at other than the front building line shall be located nearer than thirty-five (35) feet from the side lot line or rear lot line.

D. Rear Yard. Behind the most rear main building and behind any building designed or used for human habitation there shall be a rear yard of not less than thirty-five (35) feet, except where a greater distance is otherwise required by law.

E. Lot Area. The minimum lot area shall be not less than ten thousand (10,000) square feet per dwelling unit and shall have a width of not less than fifty (50) feet at the mid-point measured between the front and rear lot lines; provided, however, that when a lot has less area than herein required and was recorded at the time of the effective date of the ordinance codified in this title, the lot may be occupied by not more than one dwelling unit.

F. Street Frontage Required. Every lot in Zone R-1C 10,000 shall abut a public street for a distance of at least fifty (50) feet; provided, however, that lots abutting the radius at the end of a cul-de-sac street need not exceed thirty-five (35) feet.

G. Minimum Floor Area. No dwelling unit shall contain less than one thousand (1,000) square feet of floor area.

H. Distance Between Buildings. There shall be a minimum distance of six (6) feet between a building used for dwelling purposes and an accessory building on the same lot. There shall be a minimum distance of six (6) feet between accessory buildings on the same lot. There shall be a minimum distance of twenty-five (25) feet between buildings on the same lot used for dwelling purposes.

I. Distance of Accessory Structures. No barn, stable, corral or chute designed or used for the enclosure or shelter of animals shall be located within seventy-five (75) feet of the front lot line. This section shall not apply to fenced pastures.

J. Distance of Animals. The keeping of all fowl and animals shall conform to all other provisions of law governing same. No fowl, animal, pen, bin, coop, stable, barn or corral shall be kept or maintained within thirty-five (35) feet of any dwelling or other building used for human habitation other than the dwelling of the owner thereof, or within seventy-five (75) feet of the front lot line of the lot upon which it is located, or within one hundred (100) feet of any public park, school, hospital or similar institution. There shall be no killing or dressing of any animals or poultry for commercial purposes.

K. Fencing. For all sites serving three (3) or more dwelling units, a solid six (6) foot high masonry wall shall be installed and maintained adjacent to the rear and interior side property lines to the front setback line. When the grade of the property being developed is below the grade of the adjacent property, the top of the wall shall be approximately six (6) feet above the grade of the adjacent property. When the grade of the property being developed is above the grade of the adjacent property, the top of the wall shall be above the grade of the adjacent property by the approximate sum of six (6) feet plus one-half of the difference in the elevation of the two (2) properties at the

wall. In no event, however, except upon approval of a modification, shall the top of the wall be more than eight (8) feet above the grade of the adjacent property. (Ord. 2662 § 5(D), 2006; zoning ordinance §§ 17.36.02—17.36.120)

Chapter 17.38**R-2 ZONE****Sections:**

17.38.010	Uses permitted.
17.38.020	Signs.
17.38.030	Regulations.

17.38.010 Uses permitted.

No lot, premises, building or structure in the R-2 low-density multiple-family dwelling zone shall be used for any use or purpose other than those specified in the following subsections:

1. Any use permitted in the R-1A zone;
2. Single-family dwellings, two-family dwellings, and multiple-family dwellings at a density that shall not exceed one unit for each two thousand five hundred (2,500) square feet of lot area;
 - a. The accessory buildings necessary to any such use, located on the same lot or parcel of land;
3. Transitional Parking. If any portion of a lot sides upon a lot in zone C-1 or in some less restrictive zone, or sides upon a lot which is entirely developed and used for transitional parking and which also sides upon a lot in zone C-1 or in some less restrictive zone, that portion thereof within one hundred (100) feet of the lot thus zoned C-1 or less restrictively and upon which it sides or from which it is thus separated, may be used for any use specified in Chapter 17.62 of this title, upon condition that it be improved and maintained in accordance with all the provisions of Chapter 17.62 and of Section 17.08.030. (Zoning ordinance §§ 17.38.01—17.38.01.040)

17.38.020 Signs.

Signs specified in the following subsections are permitted in zone R-2 in addition to those permitted by other sections of this chapter:

- A. One name plate sign per dwelling unit not to exceed one square foot of display area identifying the occupant of each dwelling unit on the premises; also, address numbers not to exceed six (6) inches in height to be permitted on each name plate;
- B. One identification wall or pole sign per building not exceeding twenty (20) square feet of display area, provided that such sign shall be stationary and nonflashing and contain no advertising matter except the name and/or street address of the building upon which placed. Such a sign shall be permitted only for multiple dwellings of four (4) or more attached units;

C. No more than two (2) pole or wall signs in any combination shall be permitted for every three hundred (300) feet of street or highway frontage or part thereof, pertaining only to the legal sale, rental or lease of the property on which the sign is displayed;

D. On vacant or undeveloped property a total display area of sixty-four (64) square feet shall be permitted with no single sign face to exceed thirty-two (32) square feet;

E. On developed property, the display area shall be computed on the following basis:

Number of Units	Display Surface
0—4	16 square feet
5—16	20 square feet
17—75	32 square feet
76—up	50 square feet

F. Directional signs shall be subject to the provisions of Chapter 17.12 of this title;

G. No pole sign shall exceed a height of thirty-five (35) feet;

H. No wall sign shall project higher than the roof line of the building to which it is attached. (Zoning ordinance §§ 17.38.01.050—17.38.01.130)

17.38.030 Regulations.

The regulations contained in the following subsections shall apply to and be complied with as to every lot, premises, building, and structure in the R-2 low-density multiple-family dwelling zone:

A. **Building Height.** No building or structure shall exceed in height two and one-half (2 1/2) stories or thirty-five (35) feet.

B. **Front Yard.** There shall be a front yard of not less than twenty (20) feet. All portions of any building facing the front yard will require an additional two (2) foot setback added for any portion of the building that is above the level of the second story floor.

C. **Side Yard.** There shall be a side yard on each side of a main building and on the street side of corner lots of not less than ten (10) feet on those portions of the building that do not extend above the level of the second story floor of the building, and not less than twelve (12) feet on those portions of the building that are above the level of the second story floor.

D. **Rear Yards.** Behind the most rear main building there shall be a rear yard of not less than twenty (20) feet, except where a greater distance is otherwise required by law.

E. Yard Waiver. The provisions of subsections B, C and D of this section may be modified or waived concurrent with the approval of the site plan pursuant to this title.

F. Lot Area. The minimum lot area shall be not less than three thousand five hundred (3,500) square feet per dwelling unit provided that multiple-family dwellings shall not be permitted on lots having a frontage of less than seventy (70) feet or a lot area of less than ten thousand (10,000) square feet. When a lot has less area than therein required and was recorded at the time of the effective date of the ordinance codified in this title, the lot may be occupied by not more than one dwelling unit.

G. Distance Between Buildings. There shall be a minimum distance of ten (10) feet between buildings used for dwelling purposes on the same lot.

1. There shall be a minimum distance of six (6) feet between a building used for dwelling purposes and an accessory building.

2. There shall be a minimum distance of six (6) feet between accessory buildings.

H. Minimum Floor Area. Except as may otherwise be provided pursuant to Chapter 17.24 of this title, no dwelling unit shall contain less than six hundred fifty (650) square feet of floor area; provided further, that every dwelling unit containing an area; provided further, that every dwelling unit containing an area designed and intended to be used primarily as a bedroom shall contain no less than eight hundred (800) square feet of floor area; that a dwelling unit containing two (2) areas designed and intended to be used primarily as bedrooms shall contain no less than one thousand (1,000) square feet of floor area; and that every dwelling unit containing three (3) areas designed and intended to be used primarily as bedrooms, shall contain no less than one thousand two hundred (1,200) square feet of floor area and that every dwelling unit containing four (4) areas designed and intended to be used primarily as bedrooms shall contain no less than one thousand three hundred fifty (1,350) square feet of floor area; each extra bedroom shall require one hundred fifty (150) additional square feet of floor area to the dwelling unit.

I. Usable Open Space. The required usable open space shall be calculated at twenty-five (25) percent of gross living area or six hundred (600) square feet, whichever is greater, for each dwelling unit. At least two hundred (200) square feet of the required open space shall be in private open space contiguous to each unit. Contiguous private open space shall have a minimum dimension of ten (10) linear feet horizontally in each direction with an unobstructed vertical height of seven (7) feet and shall be enclosed on all sides by a wall or fence. Contiguous private open space shall be directly accessible only from the

unit which it serves. One hundred (100) percent of the useable open space areas (except maximum four (4) foot wide walkways, balconies and patios) shall be landscaped. The following areas shall not be used in calculating required useable open space; required front and street side yards, driveways, parking spaces, access to parking spaces, pedestrian pathways and roof area over garages except balconies. No more than twenty-five (25) percent of the required open space may be in balconies. All balconies must be directly accessible only from the unit which it serves. All areas qualifying as useable open space shall have a minimum dimension of fifteen (15) linear feet horizontally in each direction with an unobstructed vertical height of seven (7) feet. All landscaped areas shall be provided with an underground irrigation system. Landscaped areas shall be provided with an automatically time controlled sprinkler system for projects serving five (5) or more dwelling units. Additionally, a landscaping plan shall be submitted for review by the Planning Commission and shall include all three (3) types of landscape elements; trees, shrubbery and ground cover.

J. Maximum Length. No exterior building wall shall exceed a length of one hundred sixty (160) feet without a minimum offset of five (5) feet.

K. Trash Areas. For all sites serving five (5) or more dwelling units, the outside trash and garbage collection areas shall be paved and enclosed on at least three (3) vertical sides by a solid five (5) foot wall and on the fourth side by a view obscuring gate to screen the containers from view. Trash enclosures shall be of a size sufficient to contain all trash containers maintained outside the building. All required walls or screening shall at all times be adequately maintained.

L. Fencing. For all sites serving three (3) or more dwelling units, a solid six (6) foot high masonry wall shall be installed and maintained adjacent to the rear and interior side property lines to the front setback line. When the grade of the property being developed is below the grade of the adjacent property, the top of the wall shall be approximately six (6) feet above the grade of the adjacent property. When the grade of the property being developed is above the grade of the adjacent property, the top of the wall shall be above the grade of the adjacent property by the approximate sum of six (6) feet plus one-half of the difference in the elevation of the two (2) properties at the wall. In no event, however, except upon approval of a modification, shall the top of the wall be more than eight (8) feet above the grade of the adjacent property.

M. Screening of Mechanical Equipment. All mechanical equipment, including heating and air conditioning units shall be screened from view.

N. Undergrounding of Utilities. For all sites serving five (5) or more dwelling units, all utility distribution lines including but not limited to electric, communication, natural gas and cable TV lines installed in and for the purpose of supplying service to any development shall be placed underground.

O. Lighting Systems. For all sites serving three (3) or more dwelling units, the developer shall install an on-site lighting system in all parking areas, vehicular access ways and along major walkways. Such lighting shall be directed onto driveways and walkways within the project and away from dwelling units and adjacent properties. Such lighting system shall be automated using either an electronic time switch device or photoelectric sensor device and the lighting device shall be equipped with vandal resistant covers. (Ord. 2662 § 5(E), 2006; amended during 1999 recodification; zoning ordinance §§ 17.38.02—17.38.170)

Chapter 17.40**R-3 ZONE****Sections:**

17.40.010	Uses permitted.
17.40.020	Regulations.

17.40.010 Uses permitted.

No lot, premises, building or structure in the R-3 medium-density multiple-family dwelling zone shall be used for any use or purpose other than those specified in the following subsections:

1. Any use permitted in the R-2 zone;
2. Group dwellings, multiple-family dwellings and apartment houses;
3. The accessory buildings necessary to any such use located on the same lot or parcel of land;
4. Transitional Parking. If any portion of a lot sides upon a lot in zone C-1 or in some less restrictive zone, or sides upon a lot which is entirely developed and used for transitional parking and which also sides upon a lot in zone C-1 or in some less restrictive zone, that portion thereof within one hundred (100) feet of the lot thus zoned C-1 or less restrictively and upon which it sides or from which it is thus separated, may be used for any use specified in Chapter 17.62 of this title, upon condition that it be improved and maintained in accordance with all the provisions of Chapter 17.62 and of Section 17.08.030. (Zoning ordinance §§ 17.40.01—17.40.01.40)

17.40.020 Regulations.

The regulations contained in the following subsections shall apply to and be complied with as to every lot, premises, building and structure in the R-3 medium-density multiple-family dwelling zone:

- A. Building Height. No building or structure shall exceed in height three (3) stories or forty (40) feet.
- B. Front Yard. There shall be a front yard of not less than twenty (20) feet. All portions of any building facing the front yard will require an additional two (2) foot setback added for any portion of the building that is above the level of the second story floor.
- C. Side Yard. There shall be a side yard on each side of a main building and on the street side of corner lots of not less than ten (10) feet on those portions of the building that do not extend above the level of the second story floor of the building, and not less than twelve (12) feet on those portions of the building that are above the level of the second story floor.

D. Rear Yards. Behind the rear-most main building there shall be rear yard of not less than fifteen (15) feet, except where a greater distance is otherwise required by law.

E. Yard Waiver. The provisions of subsections B, C and D of this section may be modified or waived concurrent with the approval of the site plan pursuant to this title.

F. Maximum Density and Lot Size Requirements.

1. The maximum density of development shall not be more than one dwelling unit per three thousand one hundred eleven (3,111) square feet of net lot area; provided that the lot width is two hundred fifty (250) feet or greater. For lot widths of two hundred (200) to two hundred fifty (250) feet, the maximum density of development shall not be more than one dwelling unit per three thousand nine hundred sixty (3,960) square feet of net lot area. If the lot width is less than two hundred (200) feet, the maximum density of development shall not be more than one dwelling unit per four thousand eight hundred forty (4,840) square feet of net lot area.

2. Multiple-family dwelling units (a single building containing more than three (3) dwelling units) shall not be permitted on any lot having a public street frontage of less than seventy (70) feet nor on any lot with an area of less than ten thousand (10,000) square feet.

G. Distance Between Buildings. There shall be a minimum distance of fifteen (15) feet between buildings used for dwelling purposes on the same lot.

1. There shall be a minimum distance of six (6) feet between a building used for dwelling purposes and an accessory building.

2. There shall be a minimum distance of six (6) feet between accessory buildings.

H. Minimum Floor Area. Except as may otherwise be provided pursuant to Chapter 17.24 of this title, no dwelling unit shall contain less than six hundred fifty (650) square feet of floor area; provided further, that every dwelling unit containing an area designed and intended to be used primarily as a bedroom shall contain no less than eight hundred (800) square feet of floor area; that a dwelling unit containing two (2) areas designed and intended to be used primarily as bedrooms shall contain no less than one thousand (1,000) square feet of floor area; and that every dwelling unit containing three (3) areas designed and intended to be used primarily as bedrooms, shall contain no less than one thousand two hundred (1,200) square feet of floor area and that every dwelling unit containing four (4) areas designed and intended to be used primarily as bedrooms shall contain no less than one thousand three hundred fifty (1,350) square feet of floor area; each extra

bedroom shall require one hundred fifty (150) additional square feet of floor area to the dwelling unit.

I. Usable Open Space. The required usable open space shall be calculated at twenty-five (25) percent of gross living area or six hundred (600) square feet, whichever is greater, for each dwelling unit. At least two hundred (200) square feet of the required open space shall be in private open space contiguous to each unit. Contiguous private open space shall have a minimum dimension of fifteen (15) linear feet horizontally in each direction with an unobstructed vertical height of seven (7) feet and shall be enclosed on all sides by a wall or fence. Contiguous private open space shall be directly accessible only from the unit which it serves. One hundred (100) percent of the useable open space areas (except maximum four (4) foot wide walkways, balconies and patios) shall be landscaped. The following areas shall not be used in calculating required useable open space: required front and street side yards, driveways, parking spaces, access to parking spaces, pedestrian pathways and roof areas over garages except balconies. No more than twenty-five (25) percent of the required open space may be in balconies. All balconies must be directly accessible only from the unit which they serve. All areas qualifying as useable open space shall have a minimum dimension of fifteen (15) linear feet horizontally in each direction with an unobstructed vertical height of seven (7) feet. All landscaped areas shall be provided with an underground irrigation system. Landscaped areas shall be with an automatically time controlled sprinkler system for projects serving five (5) or more dwelling units. Additionally, a landscaping plan shall be submitted for review by the Planning Commission and shall include all three (3) types of landscape elements; trees, shrubbery and ground cover.

J. Maximum Length. No exterior building wall shall exceed a length of one hundred sixty (160) feet without a minimum offset of five (5) feet.

K. Trash Areas. For all sites serving five (5) or more dwelling units, the outside trash and garbage collection areas shall be paved and enclosed on at least three (3) vertical sides by a solid five (5) foot wall and on the fourth side by a view obscuring gate to screen the containers from view. Trash enclosures shall be of a size sufficient to contain all trash containers maintained outside the buildings. All required walls or screening shall at all times be adequately maintained.

L. Fencing. For all sites serving three (3) or more dwelling units, a solid six (6) foot high masonry wall shall be installed and maintained adjacent to the rear and interior side property lines to the front setback line. When the grade of the property being developed is below the grade

of the adjacent property, the top of the wall shall be approximately six (6) feet above the grade of the adjacent property. When the grade of the property being developed is above the grade of the adjacent property, the top of the wall shall be above the grade of the adjacent property by the approximate sum of six (6) feet plus one-half of the distance in the elevation of the two (2) properties at the wall. In no event, however, except upon approval of a modification, shall the top of the wall be more than eight (8) feet above the grade of the adjacent property.

M. Unit Identification. Numbers and/or letters used to identify individual units shall not correspond to parking space identification.

N. Screening of Mechanical Equipment. All mechanical equipment, including heating and air conditioning units shall be screened from view.

O. Undergrounding of Utilities. For all sites serving five (5) or more dwelling units, all utility distribution lines including but not limited to electric, communication, natural gas and cable TV lines installed in and for the purpose of supplying service to any development shall be placed underground.

P. Lighting Systems. For all sites serving three (3) or more dwelling units, the developer shall install an on-site lighting system in all parking areas, vehicular access ways and along major walkways. Such lighting shall be directed onto driveways and walkways within the project and away from dwelling units and adjacent properties. Such lighting system shall be automated using either an electronic time switch device or photoelectric sensor device and the lighting device shall be equipped with vandal resistant covers. (Ord. 2662 § 5(F), 2006; Ord. 2545 § 4, 2001; amended during 1999 recodification; zoning ordinance §§ 17.40.02—17.40.180)

Chapter 17.42**R-4 ZONE****Sections:**

17.42.010	Uses permitted.
17.42.020	Regulations.

17.42.010 Uses permitted.

No lot, premises, building or structure in the R-4 high-density multiple-family dwelling zone shall be used for any use or purpose other than those specified in the following subsections:

1. Any use permitted in the R-3 zone;
2. The accessory buildings necessary to any such use located on the same lot or parcel of land;
3. Transitional Parking. If any portion of a lot sides upon a lot in zone C-1 or in some less restrictive zone, or sides upon a lot which is entirely developed and used for transitional parking and which also sides upon a lot in zone C-1 or in some less restrictive zone, that portion thereof within one hundred (100) feet of the lot thus zoned C-1 or less restrictively and upon which it sides or from which it is thus separated may be used for any use specified in Chapter 17.62 of this title, upon condition that it be improved and maintained in accordance with all the provisions of Chapter 17.62 and of Section 17.08.030. (Zoning ordinance §§ 17.42.01—17.42.01.030)

17.42.020 Regulations.

The regulations contained in the following subsections shall apply to and be complied with as to every lot, premises, building and structure in the R-4 high-density multiple-family dwelling zone:

A. Front Yard. There shall be a front yard of not less than twenty (20) feet. All portions of any building facing the front yard will require an additional two (2) foot setback added for any portion of the building that is above the level of the second story floor.

B. Side Yard. There shall be a side yard on each side of a main building and on the street side of corner lots of not less than ten (10) feet on those portions of the building that do not extend above the level of the second story floor of the building, and not less than twelve (12) feet on those portions of the building that are above the level of the second story floor.

C. Rear Yard. Behind the most rear main building there shall be a rear yard of not less than twenty (20) feet.

D. Yard Waiver. The provisions of subsections A, B, C and G of this section may be modified or waived concurrent with the approval of the site plan pursuant to this title.

E. Lot Area. The minimum lot areas shall be not less than one thousand eight hundred (1,800) square feet per dwelling unit provided that multiple-family dwellings shall not be permitted on lots having a frontage of less than seventy (70) feet or a lot area of less than ten thousand (10,000) square feet.

F. Distance Between Buildings. There shall be a minimum distance of ten (10) feet between buildings used for dwelling purposes on the same lot.

1. There shall be a minimum distance of six (6) feet between a building used for dwelling purposes and an accessory building.

2. There shall be a minimum distance of six (6) feet between accessory buildings.

G. Density. No more than fifty (50) percent of the total area of a lot shall be covered by buildings, whether principal or accessory.

H. Minimum Floor Area. Except as may otherwise be provided pursuant to Chapter 17.24 of this title, no dwelling unit shall contain less than six hundred fifty (650) square feet of floor area; provided further, that every dwelling unit containing an area designed and intended to be used primarily as a bedroom shall contain no less than eight hundred (800) square feet of floor area; that a dwelling unit containing two (2) areas designed and intended to be used primarily as bedrooms shall contain no less than one thousand (1,000) square feet of floor area; and that every dwelling unit containing three (3) areas designed and intended to be used primarily as bedrooms, shall contain no less than one thousand two hundred (1,200) square feet of floor area and that every dwelling unit containing four (4) areas designed and intended to be used primarily as bedrooms shall contain no less than one thousand three hundred fifty (1,350) square feet of floor area; each extra bedroom shall require one hundred fifty (150) additional square feet of floor area to the dwelling unit.

I. Usable Open Space. The required usable open space shall be calculated at twenty-five (25) percent of gross living area or six hundred (600) square feet, whichever is greater, for each dwelling unit. At least two hundred (200) square feet of the required open space shall be in private open space contiguous to each unit. Contiguous private open space shall have a minimum dimension of ten (10) linear feet horizontally in each direction with an unobstructed vertical height of seven (7) feet and shall be enclosed on all sides by a wall or fence. Contiguous private open space shall be directly accessible only from the unit which it serves. One hundred (100) percent of the useable open space areas (except maximum four (4) foot wide walkways, balconies and patios) shall be landscaped. The following areas shall not be used in calculating re-

quired useable open space; required front and street side yards, driveways, parking spaces, access to parking spaces, pedestrian pathways and roof areas over garages except balconies. No more than twenty-five (25) percent of the required open space may be in balconies. All balconies must be directly accessible only from the unit which it serves. All areas qualifying as useable open space shall have a minimum dimension of fifteen (15) linear feet horizontally in each direction with an unobstructed vertical height of seven (7) feet. All landscaped areas shall be provided with an underground irrigation system. Landscaped areas shall be provided with an automatically time controlled sprinkler system for projects serving five (5) or more dwelling units. Additionally, a landscaping plan shall be submitted for review by the Planning Commission and shall include all three (3) types of landscape elements; trees, shrubbery and ground cover.

J. Maximum Length. No exterior building wall shall exceed a length of one hundred sixty (160) feet without a minimum offset of five (5) feet.

K. Trash Areas. For all sites serving five (5) or more dwelling units, the outside trash and garbage collection areas shall be paved and enclosed on at least three (3) vertical sides by a solid five (5) foot wall and on the fourth side by a view obscuring gate to screen the containers from view. Trash enclosures shall be of a size sufficient to contain all trash containers maintained outside the buildings. All required walls or screening shall at all times be adequately maintained.

L. Fencing. For all sites serving three (3) or more dwelling units, a solid six (6) foot high masonry wall shall be installed and maintained adjacent to the rear and interior side property lines to the front setback line. When the grade of the property being developed is below the grade of the adjacent property, the top of the wall shall be approximately six (6) feet above the grade of the adjacent property. When the grade of the property being developed is above the grade of the adjacent property, the top of the wall shall be above the grade of the adjacent property by the approximate sum of six (6) feet plus one-half of the difference in the elevation of the two (2) properties at the wall. In no event, however, except upon approval of a modification, shall the top of the wall be more than eight (8) feet above the grade of the adjacent property.

M. Unit Identification. Numbers and/or letters used to identify individual units shall not correspond to parking space identification.

N. Screening of Mechanical Equipment. All mechanical equipment, including heating and air conditioning units shall be screened from view.

O. Undergrounding of Utilities. For all sites serving five (5) or more dwelling units, all utility distribution lines including but not limited to electric, communication, natural gas and cable TV lines installed in and for the purpose of supplying service to any development shall be placed underground.

P. Lighting Systems. For all sites serving three (3) or more dwelling units, the developer shall install an on-site lighting system in all parking areas, vehicular access ways and along major walkways. Such lighting shall be directed onto driveways and walkways within the project and away from dwelling units and adjacent properties. Such lighting system shall be automated using either an electronic time switch device or photoelectric sensor device and the lighting device shall be equipped with vandal-resistant covers. (Ord. 2662 § 5(G), 2006; amended during 1999 recodification; zoning ordinance §§ 17.42.02—17.42.180)

Chapter 17.44**RC ZONE****Sections:**

17.44.010	Uses permitted.
17.44.020	Regulations.

17.44.010 Uses permitted.

No lot, premises, building or structure in the RC retail core zone shall be used for any use or purpose other than those specified in the following subsections:

1. Automobile parking areas;
2. Bakeries employing not more than ten (10) persons on the premises;
3. Bakery products shops;
4. Barber shops;
5. Beauty shops;
6. Clothing and wearing apparel shops;
7. Confectionery stores;
8. Department stores;
9. Financial institutions;
10. Florist shops;
11. Furniture stores;
12. Grocery, fruit and vegetable stores of less than five thousand (5,000) square feet;
13. Jewelry stores;
14. Meat markets or delicatessens;
15. Music stores;
16. Office uses offering services that include, but not limited to: architectural, engineering, legal and paralegal, employment agency (excluding job training), real estate broker, medical, travel agency and general contractor, provided, however, that if the office use is located on the ground floor, such uses are not permitted if there is any other office use located within one thousand (1,000) feet on the same side of the street;
17. Photography shops and studios;
18. Restaurants;
19. Retail stores or businesses not involving any kind of manufacture, processing or treatment of products other than that which is clearly incidental to the retail business conducted on the premises, and provided that no more than five (5) persons are employed, and not more than twenty-five (25) percent of the floor area of the building is used in the manufacture, processing or treatment of products and that all products so manufactured are sold at retail on the premises;
20. Shoe stores and shoe repair shops;
21. Stationery or book stores;
22. Tailors;

23. Video/VCR rentals;

24. Personal care facility, provided that there are no partitions in excess of four (4) feet in height in the interior of the tenant space, except appropriate interior partitions for a maximum of two (2) restrooms and one storage/office room not to exceed twenty-five (25) percent of the gross floor area, and that the front of the facility is not covered with blinds, curtains, or window coverings that block visibility into and through the facility. (Zoning ordinance §§ 17.44.01—17.44.01.240)

17.44.020 Regulations.

The regulations contained in the following subsections shall apply to and be complied with as to every lot, premises, building and structure in the RC retail core zone:

A. **Personal Services.** No personal service of financial institution shall be within one hundred fifty (150) feet of another personal service or financial institution on the same side of a street. This measurement shall exclude streets and be measured from the outside wall of the occupancy.

B. **Building Height.** No building or structure shall be constructed or altered so that it exceeds three (3) stories or forty-five (45) feet in height.

C. **Parking.** Minimum parking standards shall be in accordance with the provisions of Chapter 17.08 of this title.

D. **Rear Building Access.** Pedestrian and service access to the rear of buildings shall be provided and maintained.

E. **Setbacks.** Minimum setback standards shall be in accordance with the provisions of Sections 17.50.020(F), (G) and (H) of this title.

F. **Landscaping.** Landscaping shall be provided in accordance with the provisions of Chapter 17.10 and Section 17.22.050 of this title. (Zoning ordinance §§ 17.44.02—17.44.02.60)

Chapter 17.46**C ZONE****Sections:**

- 17.46.010** **Uses permitted.**
17.46.020 **Regulations.**

17.46.010 **Uses permitted.**

No lot, premises, building or structure in the C commercial zone shall be used for any use or purpose other than those specified in the following subsections:

1. Office;
2. Movie theater, including multi-plex cinemas;
3. Shopping center where at least one tenant occupies a minimum of ten thousand (10,000) square feet of floor space and where a majority of the tenants each occupy at least one thousand five hundred (1,500) square feet of floor space;
4. Financial institution;
5. Retail sales with a single user per building;
6. Restaurant as defined in Chapter 17.04 of this title.

(Ord. 2525 § 5 (part), 2000; amended during 1999 recodification; zoning ordinance §§ 17.46.01—17.46.01.070)

17.46.020 **Regulations.**

The regulations contained in the following subsections shall apply to and be complied with as to every lot, premises, building and structure in the C commercial zone:

A. **Minimum Lot Size.** A minimum lot size of twenty-five thousand (25,000) square feet shall be required for all new development.

B. **Parking.** Minimum parking standards shall be in accordance with the provisions of Chapter 17.08 of this title.

C. **Front Lot Setback.** A minimum front lot setback shall be provided in accordance with the provisions of Section 17.50.020F of this title.

D. **Side Lot Setback.** A minimum side lot setback shall be provided in accordance with the provisions of Section 17.50.020G of this title.

E. **Landscaping.** Landscaping shall be provided in accordance with the provisions of Chapter 17.10 and Section 17.22.050 of this title. (Zoning ordinance §§ 17.46.02—17.46.02.50)

Chapter 17.48**C-O ZONE****Sections:**

17.48.010	Uses permitted.
17.48.020	Regulations.

17.48.010 Uses permitted.

No lot, premises, building or structure in the C-O professional office zone shall be used for any use or purpose other than those specified in the following subsections:

1. Professional offices for the following uses only: accountants, architects, attorneys-at-law, chiropractors, chiropodists, dentists, engineers, insurance agents, opticians, optometrists, osteopaths, physicians, real estate brokers and surgeons;
2. Conservatory of music;
3. Employment agency;
4. Interior decorating—no retail sales;
5. Medical laboratory;
6. Music and vocal instruction;
7. Prescription pharmacy;
8. Offices, business or professional—no retail sales;
9. Telephone answering service, messenger offices;
10. The accessory buildings necessary to such use located on the same lot or parcel of land;
11. Transitional Parking. If any portion of a lot sides upon a lot in zone C-1 or in some less restrictive zone, or sides upon a lot which is entirely developed and used for transitional parking and which also sides upon a lot in zone C-1 or in some less restrictive zone, that portion thereof within one hundred (100) feet of the lot thus zoned C-1 or less restrictively and upon which it sides or from which it is thus separated, may be used for any use specified in Chapter 17.62 of this title, upon condition that it be improved and maintained in accordance with all the applicable provisions of said Chapter 17.62 and of Chapter 17.08.030.

(Zoning ordinance §§ 17.48.01—17.48.110)

17.48.020 Regulations.

The regulations contained in the following subsections shall apply to and be complied with as to every lot, premises, building and structure in the C-O professional office zone:

A. Signs. Any exterior sign displayed shall pertain only to a use conducted within the building; shall not

exceed ten (10) square feet in area; shall be attached flat against a wall of the building and parallel with its horizontal dimension, and shall front the principal street, a parking area in the rear or, in the case of a corner building, on that portion of the side street wall within fifty (50) feet of the principal street. In no case shall a sign project above the roof line.

B. Building Height. No building or structure shall exceed in height three (3) stories or forty (40) feet; provided, however, that roof equipment and material screening the same may extend not more than an additional ten (10) feet above the roof.

C. Front Yard. There shall be a front yard of not less than ten (10) feet. The required front yard area shall be landscaped, maintained and an underground irrigation system installed.

D. Side Yard. There shall be a street side yard of not less than five (5) feet. The required street side yard area shall be landscaped, maintained and an underground irrigation system installed. All buildings used exclusively for dwelling purposes shall comply with the side yard requirements of the R-4 zone.

E. Rear Yard. There shall be a rear yard having a minimum depth of twenty (20) feet measured from the rear lot line. Where there is an alley at the rear of the lot, such rear yard may be measured from center of said alley.

F. Lot Area. All buildings used exclusively for dwelling purposes shall comply with the lot area requirements of the R-4 zone.

G. Distance Between Buildings. All buildings used exclusively for dwelling purposes shall comply with the provisions of the R-4 zone regulating distance between buildings.

H. Trash Areas. All sites shall construct and maintain a masonry trash enclosure. All outside trash and garbage collection areas shall be paved and enclosed on at least three (3) vertical sides by a solid five (5) foot high wall and on the fourth side by a view obscuring gate to screen the containers from view. Trash enclosures shall be of a size sufficient to contain all trash containers maintained outside the building.

I. Screening of Mechanical Equipment. All mechanical equipment, including heating and air conditioning units, shall be screened from view.

J. Undergrounding of Utilities. All utility distribution lines, including but not limited to, electric, communication, natural gas and cable TV lines installed in and for the purpose of supplying service to any development shall be placed underground.

K. All utilities and structures (appurtenances) such as gas meters, electrical meters, telephone pedestal-

mounted terminal boxes, surface mounted electrical transformers, or other potential obstructions shall not be located within the approved parking and/or turning radius area or any landscaped planting areas. All such facilities located aboveground shall meet with the approval of the Planning Division and serving utility. (Zoning ordinance §§ 17.48.02—17.48.02.120)

Chapter 17.50**C-1 ZONE****Sections:**

17.50.010	Uses permitted.
17.50.020	Regulations.

17.50.010 Uses permitted.

No lot, premises, building or structure in the C-1 limited commercial zone shall be used for any use or purpose other than those specified in the following subsections:

1. Any use permitted in the C-O zone;
2. Automobile parking areas, when developed as required in Chapter 17.62 of this title, if adjacent to a residential zone;
3. Bakery products shops;
4. Banks;
5. Barber shops;
6. Beauty shops;
7. Confectionery stores;
8. Dressmaking or millinery shops;
9. Drug stores, with or without a prescription pharmacy;
10. Clothes pressing and laundry and dry cleaning agencies;
11. Dry goods or notions stores;
12. Appliance stores and repairs, including radios and televisions;
13. Electric and mechanical game machines: not more than four (4) electric or mechanical game machines or combination thereof or a business with a valid certificate of occupancy and business license for another permitted use and with no more than ten (10) percent of the floor area of said business devoted to arcade machines as an incidental use only;
14. Florist shops;
15. Grocery, fruit and vegetable stores;
16. Ice storage houses of not more than five (5) ton capacity;
17. Jewelry stores;
18. Meat markets or delicatessen stores;
19. Photographic shops;
20. Restaurants (excluding dancing, entertainment and on-premises sale of alcoholic beverages);
21. Shoe stores or shoe repair shops;
22. Stationery or book stores;
23. Clothing or wearing apparel shops;
24. Tailor shop;

25. Accessory buildings necessary to any such use, located on the same lot or parcel of land, including a storage garage for the exclusive use of the patrons of the above stores or businesses;
26. Personal care facility, provided that there are no partitions in excess of 4 feet in height in the interior of the tenant space, except appropriate interior partitions for a maximum of two (2) restrooms and one storage/office room not to exceed twenty-five (25) percent of the gross floor area, and that the front of the facility is not covered with blinds, curtains, or window coverings that block visibility into and through the facility.

(Zoning ordinance § 17.50.01—17.50.01.280)

17.50.020 Regulations.

The regulations contained in the following subsections shall apply to and be complied with as to every lot, premises, building and structure in the C-1 limited commercial zone:

A. Every store, shop or business specified in this chapter, other than automobile service stations, shall be conducted entirely within an enclosed building.

B. Products made incidental to a permitted use shall be sold only at retail on the premises.

C. All public entrances to all stores, shops or businesses hereinbefore in this chapter specified shall be from the principal street upon which the property abuts or within fifty (50) feet thereof, except that a rear or side entrance from the building to a parking area may be provided.

D. Any exterior sign display shall pertain only to a use conducted within the building; shall be attached to and be parallel with and not more than twelve (12) inches from the wall of the main building fronting the principal street, a parking area in the rear or, in the case of a corner building, on that portion of the side street wall within fifty (50) feet of the principal street. In no case shall a sign project above the roof line.

E. Building Height. No building or structure shall exceed in height three (3) stories or forty (40) feet; provided, however, that roof equipment and material screening the same may extend not more than an additional ten (10) feet above the roof.

F. Front Yard. There shall be a front yard of not less than five (5) feet. The required front yard area shall be landscaped, maintained and an underground irrigation system installed. All buildings used exclusively for dwelling purposes shall comply with the front yard provision of the R-4 zone.

G. Side Yard. There shall be a street side yard of not less than five (5) feet. The required street side yard area shall be landscaped, maintained and an underground irrigation system installed. All buildings used exclusively for dwelling purposes shall comply with the side yard requirements of the R-4 zone.

H. Rear Yard. There shall be a rear yard having a minimum depth of twenty (20) feet measured from the rear lot line. Where there is an alley at the rear of the lot, such rear yard may be measured from center of such alley.

I. All buildings used exclusively for dwelling purposes shall comply with the area requirements of the R-4 zone.

J. Distance Between Buildings. All buildings used exclusively for dwelling purposes shall comply with the provisions of the R-4 zone regulating distance between buildings.

K. Trash Areas. All sites shall construct and maintain a masonry trash enclosure. All outside trash and garbage collection areas shall be paved and enclosed on at least three (3) vertical sides by a solid five (5) foot high wall and on the fourth side by a view obscuring gate to screen the containers from view. Trash enclosures shall be of a size sufficient to contain all trash containers maintained outside the building.

L. Screening of Mechanical Equipment. All mechanical equipment, including heating and air conditioning units, shall be screened from view.

M. All utility distribution lines, including, but not limited to, electric, communication, natural gas and cable TV lines installed in and for the purpose of supplying service to any development shall be placed underground.

N. All utilities and structures (appurtenances such as gas meters, electrical meters, telephone pedestal-mounted terminal boxes, surface-mounted electrical transformers, or other potential obstructions) shall not be located within the approved parking and/or turning radius area or any landscaped planting areas. All such facilities located above ground shall meet with the approval of the Planning Services Manager and serving utility. (Zoning ordinance §§ 17.50.020—17.50.02.150)

Chapter 17.52**C-2 ZONE****Sections:**

17.52.010	Uses permitted.
17.52.020	Regulations.

17.52.010 Uses permitted.

No lot, premises, building or structure in the C-2 retail commercial zone shall be used for any use or purpose other than those specified in the following subsections:

1. Any use permitted in the C-1 zone;
2. Retail stores or business not involving any kind of manufacture, processing or treatment of products other than that which is clearly incidental to the retail business conducted on the premises, and provided that no more than five (5) persons are employed, and not more than twenty-five (25) percent of the floor area of the building is used in the manufacture, processing or treatment of products, and that such operations or products are not objectionable due to noise, odor, dust, smoke, vibration or other similar causes;
3. Ambulance service;
4. Automobile parking areas;
5. Bakeries employing not more than ten (10) persons on the premises;
6. Blueprinting and photostating shops;
7. Bird stores or pet shops;
8. Cleaning and pressing establishments using only nonflammable and nonexplosive cleaning fluid;
9. Department stores;
10. Electric distributing substations;
11. Furniture stores;
12. Garages, for public parking, including minor servicing only in a subterranean parking area;
13. Hardware stores;
14. Music stores;
15. Public buildings;
16. Refrigerated lockers;
17. Restaurant (including entertainment and on-sale of alcoholic beverages), if the perimeter of the lot or parcel of land upon which any portion of such business is conducted is located five hundred one (501) feet or more from all properties used for any public or private elementary or high school or any city park and recreation facilities;
18. Self-servicing laundries or laundrettes;
19. Sharpening of knives, saws and lawnmowers;

20. Studios;
21. Accessory buildings necessary to any such use, located on the same lot or parcel of land;
22. Sign painting, excluding sign manufacturing and billboard painting; limited to hand-painted or printed signs of a specialty type, excluding spray painting;
23. Automobile parts and accessory stores.

(Ord. 2659 § 5 (part), 2005; zoning ordinance § 17.52.01—17.52.01.250)

17.52.020 Regulations.

The regulations contained in the following subsections shall apply to and be complied with as to every lot, premises, building and structure in the C-2 retail commercial zone:

A. **Front Yard.** There shall be a front yard of not less than five (5) feet. The required front yard area shall be landscaped, maintained and an underground irrigation system installed. All buildings used exclusively for dwelling purposes shall comply with the front yard provisions of the R-4 zone.

B. **Side Yard.** There shall be a street side yard of not less than five (5) feet. The required street side yard area shall be landscaped, maintained and an underground irrigation system installed. All buildings used exclusively for dwelling purposes shall comply with the side yard requirements of the R-4 zone.

C. **Rear Yard.** There shall be a rear yard having a minimum depth of twenty (20) feet measured from the rear lot line. Where there is an alley at the rear of the lot, such rear yard may be measured from center of such alley.

D. **Area.** All buildings used exclusively for dwelling purposes shall comply with the area requirements of the R-4 zone.

E. **Distance Between Buildings.** All buildings used exclusively for dwelling purposes shall comply with the provisions of the R-4 zone regulating distance between buildings.

F. **Trash Areas.** All sites shall construct and maintain a masonry trash enclosure. All outside trash and garbage collection areas shall be paved and enclosed on at least three (3) vertical sides by a solid five (5) foot high wall and on the fourth side by a view obscuring gate to screen the containers from view. Trash enclosures shall be of a size sufficient to contain all trash containers maintained outside the building.

G. **Screening of Mechanical Equipment.** All mechanical equipment, including heating and air conditioning units, shall be screened from view.

H. Undergrounding of Utilities. All utility distribution lines, including, but not limited to, electric, communication, natural gas and cable TV lines installed in and for the purpose of supplying service to any development shall be placed underground.

I. All utilities and structures (appurtenances) such as gas meters, electrical meters, telephone pedestal-mounted terminal boxes, surface-mounted electrical transformers, or other potential obstructions shall not be located within the approved parking and/or turning radius area or any landscaped planting areas. All such facilities located above ground shall meet with the approval of the Planning Services Manager and serving utility. (Zoning ordinance §§ 17.52.02—17.52.02.100)

Chapter 17.54**C-3 ZONE****Sections:**

17.54.010	Uses permitted.
17.54.020	Regulations.

17.54.010 Uses permitted.

A. No lot, premises, building or structure in the C-3 general commercial zone shall be used for any use or purpose other than those specified in the following subsections:

1. Any use permitted in the C-2 zone;
2. Retail or wholesale stores or businesses not involving any kind of manufacture, processing or treatment of products other than that which is clearly incidental to the retail business conducted on the premises, and provided that no more than five (5) persons are employed and that not more than fifty (50) percent of the floor area of the building is used in the manufacture, processing or treatment of products, and that such operations or products are not objectionable due to noise, odor, dust, smoke, vibration or other similar causes;
3. Antique stores;
4. Dancing academies;
5. Fortunetelling;
6. Furniture warehouses for storing personal household goods;
7. Public garages, including automobile and truck repairs; except trucks which have a manufacturer's specified gross vehicle weight greater than ten thousand (10,000) pounds. All repairs and servicing of automobiles and trucks shall be conducted entirely within an enclosed building, except emergency serviced and minor repairs;
8. Outdoor advertising structures and billboards of three hundred (300) square feet or less;
9. Plumbing shops;
10. Printing, lithographing or publishing establishments;
11. Sale of house trailers, campers, travel trailers, utility trailers not to exceed ten (10) feet in body length, recreational vehicles and motor homes;
12. Secondhand stores;
13. Taxidermists;
14. Upholstery shops, limited to automobile upholstery;
15. Accessory buildings necessary to any such use, located on the same lot or parcel of land;
16. Nurseries, flowers or plants;
17. Spiritual specialty shops.

B. Amortization. Any spiritual specialty shop made legal nonconforming by the adoption of this section shall comply with all the requirements of the municipal code which include the obtaining of a permit pursuant to Section 5.96.090 of this code by January 1, 2007. (Ord. 2672 § 2, 2006; Ord. 2659 § 5 (part), 2005; Ord. 2525 § 5 (part), 2000; zoning ordinance §§ 17.54.01—17.54.01.240)

17.54.020 Regulations.

The regulations contained in the following subsections shall apply to and be complied with as to every lot, premises, building and structure in the C-3 general commercial zone:

A. Front Yard. There shall be a front yard of not less than five (5) feet. The required front yard area shall be landscaped, maintained and an underground irrigation system installed. All buildings used exclusively for dwelling purposes shall comply with the front yard provisions of the R-4 zone.

B. Side Yard. There shall be a street side yard of not less than five (5) feet. The required street side yard area shall be landscaped, maintained and an underground irrigation system installed. All buildings used exclusively for dwelling purposes shall comply with the side yard requirements of the R-4 zone.

C. Rear Yard. There shall be a rear yard having a minimum depth of twenty (20) feet measured from the rear lot line. Where there is an alley at the rear of the lot, such rear yard may be measured from center of such alley.

D. Area. All buildings used exclusively for dwelling purposes shall comply with the area requirements of the R-4 zone.

E. Distance Between Buildings. All buildings used exclusively for dwelling purposes shall comply with the provisions of the R-4 zone regulating distance between buildings.

F. Trash Areas. All sites shall construct and maintain a masonry trash enclosure. All outside trash and garbage collection areas shall be paved and enclosed on at least three (3) vertical sides by a solid five (5) foot high wall and on the fourth side by a view obscuring gate to screen the containers from view. Trash enclosures shall

be of a size sufficient to contain all trash containers maintained outside the building.

G. Screening of Mechanical Equipment. All mechanical equipment, including heating and air conditioning units, shall be screened from view.

H. Undergrounding of Utilities. All utility distribution lines, including but not limited to, electric, communication, natural gas and cable TV lines installed in and for the purpose of supplying service to any development shall be placed underground.

I. All utilities and structures (appurtenances) such as gas meters, electrical meters, telephone pedestal-mounted terminal boxes, surface mounted electrical transformers, or other potential obstructions shall not be located within the approved parking and/or turning radius area or any landscaped planting areas. All such facilities located above ground shall meet with the approval of the Planning Services Manager and serving utility. (Zoning ordinance §§ 17.54.02—17.54.100)

Chapter 17.56**C-4 ZONE****Sections:**

- 17.56.010** **Uses permitted.**
17.56.020 **Regulations.**

17.56.010 **Uses permitted.**

No lot, premises, building or structure in the C-4 heavy commercial zone shall be used for any use or purpose other than those specified in the following subsections:

1. Any use permitted in the C-3 zone;
2. Manufacturing, assembly, compounding or treating of articles or merchandise from the following previously prepared materials: bone, canvas, cloth, felt, fur, glass, leather (except machine belting), paper, plastics, shell, textiles and yarn;
3. Addressograph service;
4. Assembly plant, aircraft;
5. Bakery goods manufacturing;
6. Bookbinding;
7. Box lunch preparation and catering establishments;
8. Candy manufacturing;
9. Cellophane products manufacturing;
10. Cigar and cigarette factory;
11. Cleaning and dyeing wholesale;
12. Clock factory;
13. Cosmetics, toiletries (except soap) or perfume manufacturing or blending;
14. Assembly of electrical appliances, electronic instruments and devices, and radios and phonographs, but limited to the manufacturing of small parts only, such as coils, condensers, transformers, crystal holders, and the like;
15. Ceramic products manufacturing, provided that the total capacity of all kilns in any one establishment may not exceed eight cubic feet and that there shall be no pulverizing of clay;
16. Distributing plant for aircraft, electronics;
17. Furniture refinishing;
18. Jewelry manufacturing, including manufacturing of products from precious or semi-precious metals or stones;
19. Laboratory: testing, experimental, motion picture, research and film;
20. Machine shop (except punch presses of over five (5) ton capacity, drop hammers and automatic screw machines);

21. Millinery manufacturing;
22. Motor, electric, repairing and/or rewinding only;
23. Rubber stamp manufacturing;
24. Optical goods manufacturing;
25. Sign painting shops;
26. Accessory buildings necessary to any such use located on the same lot or parcel of land;
27. Within Buildings. All activities other than incidental storage shall be conducted wholly within a completely enclosed building;
28. Nuisances Prohibited. The building shall be so constructed, the machinery and equipment shall be so installed and maintained, and the activity shall be so conducted, that all noise, vibration, dust, odor and all other objectionable factors, shall be confined or reduced to the extent that no annoyance or injury will result to persons residing in the vicinity. Whenever there is any difficulty in determining the application of these provisions to any specific case, the Inspection Bureau or its designated representative shall make such determination;
29. One hp Motors. No motor exceeding one horse power may be used to operate any lathes, drill press, grinder, shaper, milling machine, saw, polisher or metal cutter;
30. Prohibited Machinery. No punch press exceeding five (5) tons rated capacity, nor any drop hammer or automatic screw machine, may be used.

(Zoning ordinance §§ 17.56.01—17.56.01.290)

17.56.020 **Regulations.**

The regulations contained in the following subsections shall apply to and be complied with as to every lot, premises, building and structure in the C-4 heavy commercial Zone:

A. Front Yard. All buildings shall be located not nearer than forty (40) feet from the centerline of a street. In any event, there shall be a front yard of not less than five (5) feet. The required front yard shall be landscaped and an underground irrigation system installed. All buildings used exclusively for dwelling purposes shall comply with the front yard provisions of the R-4 zone.

B. Side Yard. There shall be a street side yard of not less than five (5) feet. The required street side yard shall be landscaped, maintained and an underground irrigation system installed. Where such a property located in this zone is contiguous to any residentially zoned property a minimum twenty (20) foot building setback shall be required. The use of this setback shall be restricted to the parking of operable vehicles, equipment or

utilities incidental to the use on site as approved through the Design Review process or maintained as a landscape area with underground irrigation system. All buildings used exclusively for dwelling purposes shall comply with the side yard requirements of the R-4 zone.

C. Rear Yard. Where such a property located in this zone is contiguous to any residentially zoned property a minimum twenty-five (25) foot building setback shall be required. The use of this setback shall be restricted to the parking of operable vehicles, equipment or utilities incidental to the use on site as approved through the design review process or maintained as a landscaped area with underground irrigation system. All buildings used exclusively for dwelling purposes shall comply with the rear yard requirements of the R-4 zone.

D. Area. All buildings used exclusively for dwelling purposes shall comply with the area requirements of the R-4 zone.

E. Distance Between Buildings. All buildings used exclusively for dwelling purposes shall comply with the provisions of the R-4 zone regulating distance between buildings.

F. Trash Areas. All sites shall construct and maintain a masonry trash enclosure. All outside trash and garbage collection areas shall be paved and enclosed on at least three (3) vertical sides by a solid five (5) foot high wall and on the fourth side by a view obscuring gate to screen the containers from view. Trash enclosures shall be of a size sufficient to contain all trash containers maintained outside the building.

G. Screening of Mechanical Equipment. All mechanical equipment, including heating and air conditioning units, shall be screened from view.

H. Undergrounding of Utilities. All utility distribution lines, including but not limited to, electric, communication, natural gas and cable TV lines installed in and for the purpose of supplying service to any development shall be placed underground.

I. All utilities and structures (appurtenances) such as gas meters, electrical meters, telephone pedestal-mounted terminal boxes, surface mounted electrical transformers, or other potential obstructions shall not be located within the approved parking and/or turning radius area or any landscaped planting areas. All such facilities located above ground shall meet with the approval of the Planning Services Manager and serving utility. (Zoning ordinance §§ 17.56.02—17.56.02.100)

Chapter 17.58**M-1 ZONE****Sections:**

17.58.010	Uses permitted.
17.58.020	Regulations.

17.58.010 Uses permitted.

No lot, premises, building or structure in the M-1 light manufacturing zone shall be used for any use or purpose other than those specified in the following subsections:

1. Any use permitted in the C-4 zone, excluding all uses prohibited in the M-2 zone;
2. Assembly plants;
3. Awning manufacture, canvas or metal;
4. Bag manufacturing;
5. Battery manufacturing and rebuilding;
6. Bedspring manufacturing;
7. Billboard manufacturing;
8. Blacksmith shop (except power trip hammers);
9. Boatbuilding, small;
10. Bottling plant;
11. Box factory;
12. Brewery;
13. Brush manufacturing;
14. Building material storage yard;
15. Cabinet or carpenter shop;
16. Candle making and manufacturing;
17. Cannery (except fish and meat products);
18. Canvas manufacturing;
19. Carpet, awning, blinds, mattress or upholstery shop, including cleaning and repair;
20. Clay products manufacturing;
21. Cloth manufacturing;
22. Coffee roasting;
23. Cold storage plant;
24. Compounding cleaning compounds;
25. Contractor, farming equipment;
26. Contractor's storage yard;
27. Cork products manufacturing;
28. Cornice works;
29. Creamery;
30. Distributing plant;
31. Draying or trucking yard or terminal;
32. Drive-in theaters;
33. Drug manufacturing;
34. Electrical parts manufacturing;
35. Electric sign manufacturing;
36. Equestrian establishment, stable or riding academy;

37. Equipment, truck rental;
38. Electronic instruments and devices manufacturing;
39. Feather products, manufacturing or renovation;
40. Feed and fuel yard;
41. Feed mill;
42. Fiber products manufacturing;
43. Fixture manufacturing, gas, electric;
44. Food products manufacturing;
45. Fumigating contractor;
46. Furniture manufacturing;
47. Generators, electric, manufacturing;
48. Harness manufacturing;
49. Haybarn;
50. Heat treating of metal parts;
51. Horn products manufacturing;
52. Ice manufacturing and storage;
53. Ink manufacturing;
54. Insecticides manufacturing;
55. Iron works, ornamental;
56. Knitting mill;
57. Laundry;
58. Lumber yard;
59. Machine shop (except punch presses of over twenty tons rated capacity, drop hammers, and automatic screw machines);
60. Malt products manufacturing;
61. Medicine manufacturing;
62. Metal spinning;
63. Milk bottling and distributing station;
64. Milk pasteurization;
65. Motor, electric, manufacturing and repairing;
66. Neon sign manufacturing;
67. Novelty manufacturing;
68. Packing plant, fruit and vegetable;
69. Paint mixing (no boiling);
70. Phonograph manufacturing;
71. Plating;
72. Pottery manufacturing;
73. Produce yard or terminal;
74. Public utilities service yard, distributing station, electric transmission substation and as transmission and compressor station;
75. Pumping plant;
76. Radio manufacturing;
77. Refrigerating plant;
78. Rope plant;
79. Roofing contractor;
80. Rug manufacturing and cleaning;
81. Saddlery, saddle making;
82. Sandpaper manufacturing;
83. Sash and door manufacturing;

84. Sheet metal products manufacturing;
85. Shell products manufacturing;
86. Shoe manufacturing;
87. Shooting gallery;
88. Starch mixing and bottling;
89. Stone grinding, cutting, dressing;
90. Storage warehouse or elevator;
91. Tank truck parking or storage;
92. Television manufacturing;
93. Tinsmiths and sheet metal shops;
94. Tire retreading;
95. Toy manufacturing;
96. Trailer, motor home, camper manufacturing;
97. Truck repair; all repairs and servicing of trucks shall be conducted entirely within an enclosed building except emergency services and minor repairs;
98. Truck semi-trailer and utility trailer sales;
99. Truck storage or rental;
100. Upholstering, limited to manufacturing and processing of furniture type upholstery;
101. Venetian blind manufacturing;
102. Veterinary and animal hospital;
103. Welding shops;
104. Wholesale business;
105. Accessory buildings necessary to any such use located on the same lot or parcel of land.

(Ord. 2525 § 5 (part), 2000; zoning ordinance § 17.58.01)

17.58.020 Regulations.

The regulations contained in the following subsections shall apply to and be complied with as to every lot, premises, building and structure in the M-1 light manufacturing zone:

A. Nuisances Prohibited. No use hereinbefore in this chapter specified shall be permissible in zone M-1 if any such operation, manufacturing, processing or treatment of products is obnoxious or offensive by reason of emission of odor, dust, gas fumes, smoke, liquids, wastes, noise, vibrations, disturbances, or other similar causes or may impose hazard to life or property.

B. Front Yard. All buildings shall be located not nearer than forty (40) feet from the centerline of a street. In any event, there shall be a front yard of not less than five (5) feet. The required front yard shall be landscaped, maintained and an underground irrigation system installed. All buildings used exclusively for dwelling purposes shall comply with the front yard provisions of the R-4 zone.

C. Side Yard. There shall be a street side yard of not less than five (5) feet. The required street side yard

shall be landscaped, maintained and an underground irrigation system installed. Where such a property located in this zone is contiguous to any residentially zoned or used property a minimum twenty (20) foot building setback shall be required. The use of this setback shall be restricted to the parking of operable vehicles, equipment or utilities incidental to the use on site as approved through the design review process or maintained as a landscape area with underground irrigation system. All buildings used exclusively for dwelling purposes shall comply with the side yard requirements of the R-4 zone.

D. Rear Yard. Where such a property located in this zone is contiguous to any residentially zoned or used property a minimum twenty-five (25) foot building setback shall be required. The use of this setback shall be restricted to the parking of operable vehicles, equipment or utilities incidental to the use on site as approved through the design review process or maintained as a landscaped area with underground irrigation system. All buildings used exclusively for dwelling purposes shall comply with the rear yard requirements of the R-4 zone.

E. Area. All buildings used exclusively for dwelling purposes shall comply with the area requirements of the R-4 zone.

F. Distance Between Buildings. All buildings used exclusively for dwelling purposes shall comply with the provisions of the R-4 zone regulating distance between buildings.

G. Trash Areas. All sites shall construct and maintain a masonry trash enclosure. All outside trash and garbage collection areas shall be paved and enclosed on at least three (3) vertical sides by a solid five (5) foot high wall and on the fourth side by a view obscuring gate to screen the containers from view. Trash enclosures shall be of a size sufficient to contain all trash containers maintained outside the building.

H. Screening of Mechanical Equipment. All mechanical equipment, including heating and air conditioning units, shall be screened from view.

I. Undergrounding of Utilities. All utility distribution lines, including but not limited to, electric, communication, natural gas and cable TV lines installed in and for the purpose of supplying service to any development shall be placed underground.

J. All utilities and structures (appurtenances) such as gas meters, electrical meters, telephone pedestal-mounted terminal boxes, surface mounted electrical transformers, or other potential obstructions shall not be located within the approved parking and/or turning radius area or any landscaped planting areas. All such facilities located above ground shall meet with the approval of the

17.58.020

Planning Services Manager and serving utility. (Zoning ordinance §§ 17.58.02—17.58.100)

Chapter 17.60**M-2 ZONE****Sections:**

17.60.010	Uses permitted.
17.60.020	Regulations.

17.60.010 Uses permitted.

No lot, premises, building or structure in the M-2 general manufacturing zone shall be used for any use or purpose other than those specified in the following subsections:

1. Any use permitted in the M-1 zone;
2. Acetylene and natural gas storage;
3. Alcohol and alcoholic beverages manufacture;
4. Automobile assembly plant;
5. Bag cleaning;
6. Boiler or tank works (except riveting and power chipping);
7. Building materials manufacture;
8. Cement products manufacture;
9. Cooperage works;
10. Die casting, electrically operated only;
11. Dye-stuffs manufacture;
12. Flour mill;
13. Foundry;
14. Grain elevator;
15. Glass manufacture;
16. House mover or wrecker;
17. Lamp black manufacture;
18. Linoleum or oiled products manufacture;
19. Motor scooter for amusement purposes, driving or riding;
20. Paint manufacture by the blending only of ingredients;
21. Petroleum products storage;
22. Pickle manufacture;
23. Plastic manufacture;
24. Rolling mill;
25. Rock, sand and gravel storage and distribution;
26. Sawmill;
27. Screen door and window screen assembly;
28. Starch manufacture;
29. Steam electric generating station;
30. Stove manufacture;
31. Stove and shoe polish manufacture;
32. Sauerkraut manufacture;
33. Wholesale processing or packaging of fully dressed poultry and rabbits;

34. Accessory buildings necessary to any such use, located on the same lot or parcel of land.

(Zoning ordinance § 17.60.01)

17.60.020 Regulations.

The regulations contained in the following subsections shall apply to and be complied with as to every lot, premises, building and structure in the M-2 general manufacturing zone:

A. Front Yard. All buildings shall be located not nearer than fifty (50) feet from the centerline of a street. In any event, there shall be a front yard of not less than five (5) feet. The required front yard shall be landscaped, maintained and an underground irrigation system installed. All buildings used exclusively for dwelling purposes shall comply with the front yard provisions of the R-4 zone.

B. Side Yard. There shall be a street side yard of not less than five (5) feet. The required street side yard shall be landscaped, maintained and an underground irrigation system installed. Where such a property located in this zone is contiguous to any residentially zoned property a minimum twenty (20) foot building setback shall be required. The use of this setback shall be restricted to the parking of operable vehicles, equipment or utilities incidental to the use on site as approved through the design review process or maintained as a landscape area with underground irrigation system. All buildings used exclusively for dwelling purposes shall comply with the side yard requirements of the R-4 zone.

C. Rear Yard. Where such a property located in this zone is contiguous to any residentially zoned property a minimum twenty-five (25) foot building setback shall be required. The use of this setback shall be restricted to the parking of operable vehicles, equipment or utilities incidental to the use on site as approved through the design review process or maintained as a landscaped area with underground irrigation system. All buildings used exclusively for dwelling purposes shall comply with the rear yard requirements of the R-4 zone.

D. Area. All buildings used exclusively for dwelling purposes shall comply with the area requirements of the R-4 zone.

E. Distance Between Buildings. All buildings used exclusively for dwelling purposes shall comply with the provisions of the R-4 zone regulating distance between buildings.

F. Trash Areas. All sites shall construct and maintain a masonry trash enclosure. All outside trash and garbage collection areas shall be paved and enclosed on at least three (3) vertical sides by a solid five (5) foot

high wall and on the fourth side by a view obscuring gate to screen the containers from view. Trash enclosures shall be of a size sufficient to contain all trash containers maintained outside the building.

G. Screening of Mechanical Equipment. All mechanical equipment, including heating and air conditioning units, shall be screened from view.

H. Undergrounding of Utilities. All utility distribution lines, including but not limited to, electric, communication, natural gas and cable TV lines installed in and for the purpose of supplying service to any development shall be placed underground.

I. All utilities and structures (appurtenances) such as gas meters, electrical meters, telephone pedestal-mounted terminal boxes, surface mounted electrical transformers, or other potential obstructions shall not be located within the approved parking and/or turning radius area or any landscaped planting areas. All such facilities located above ground shall meet with the approval of the Planning Services Manager and serving utility. (Zoning ordinance §§ 17.60.02—17.60.02.090)

Chapter 17.62**P ZONE****Sections:**

- 17.62.010 P automobile parking zone—
Combination with R zone.**
- 17.62.020 Uses permitted.**
- 17.62.030 Regulations.**

**17.62.010 P automobile parking zone—
Combination with R zone.**

Land classified in a "P" zone may also be classified in an "R" zone. (Zoning ordinance § 17.62.01)

17.62.020 Uses permitted.

No lot, premises, building or structure in the P automobile parking zone shall be used for any use or purpose other than those specified in the following subsections:

1. Any use permitted in the respective R zone in which the land is classified;
2. Open air, temporary parking of transient automobiles, except trucks of over fifteen hundred (1500) pounds capacity. (Zoning ordinance §§ 17.62.01.10—17.62.01.30)

17.62.030 Regulations.

The regulations contained in the following subsections shall apply to and be complied with as to every lot, premises, building and structure in the P automobile parking zone:

- A. Every lot, premises, building or structure used for any use or purpose permitted in any R zone shall be subject to all of the provisions of the chapter applicable to the particular R zone in which the same is classified.
- B. That every lot established hereinafter in the P automobile parking zone shall conform to Chapter 17.08 of this title. (Zoning ordinance §§ 17.62.02—17.62.02.20)

Chapter 17.64

RMP ZONE

Sections:

- 17.64.010** **RMP—Residential mobile home
park zone.**
- 17.64.020** **Uses permitted.**

17.64.010 **RMP—Residential mobile home
park zone.**

Land classified in an RMP zone may also be classified in another zone. (Zoning ordinance § 17.64)

17.64.020 **Uses permitted.**

No lot, premise, building, or structure in the RMP zone shall be used for any use other than as specified in the following subsections:

1. Any use permitted in another zone in which the land may be classified;
2. Residential mobile home parks. (Zoning ordinance §§ 17.64.01—17.64.01.20)

Chapter 17.66

PRD ZONE

Sections:

17.66.010	Planned residential development zone.
17.66.020	Intent and purpose.
17.66.030	Design objectives.
17.66.040	Uses permitted.
17.66.050	Conditional use permit required.
17.66.060	Zone restriction.
17.66.070	Zone compliance.
17.66.080	Requirements.

17.66.010 Planned residential development zone.

Land classified in a PRD zone shall be classified in the R-1A, R-1B, R-1C, R-2, R-3 or R-4 zones. (Zoning ordinance § 17.66)

17.66.020 Intent and purpose.

The intent and purpose of this chapter is as specified in the following subsections:

A. To encourage a better environment through greater flexibility of design by means of an overall development plan is possible solely through the strict application of the zoning regulations;

B. To encourage a more efficient use of the land and the reservation of a greater proportion of open space for recreational and visual use than is otherwise provided for in the zoning regulations;

C. To encourage a variety of dwelling unit types and site arrangement plans so as to give imagination and variety in the physical development pattern of the city;

D. To insure that these objectives are carried out and in the process the minimum gross population density within a particular dwelling zone remains in conformity with the requirements of this chapter and with the comprehensive general plan. (Zoning ordinance §§ 17.66.02—17.66.02.40)

17.66.030 Design objectives.

Every planned residential development shall be designed to achieve the design objectives specified in the following subsections:

A. The plan should provide for a comprehensive and harmonious arrangement of buildings, open spaces, circulation ways, off-street parking and development amenities;

B. The project should be related to existing and proposed land use and circulation plans of the communi-

ty, and not constitute a disrupting element in the neighborhood;

C. The internal street system should be designed for the efficient and safe movement of vehicles without disrupting pedestrian circulation and activities and functions of the common areas;

D. Open and recreational areas and facilities should be located adjacent to all dwelling units or easily accessible therefrom;

E. Open and recreational areas should be made the focal point for the overall design of the development. Various community facilities should be grouped in places well related to these open spaces and easily accessible to pedestrians. (Amended during 1999 recodification; zoning ordinance §§ 17.66.03—17.66.03.50)

17.66.040 Uses permitted.

No lot, premise, building or structure in the PRD zone shall be used for any use other than or specified as follows: any use permitted in the zone in which the land may be classified. (Zoning ordinance §§ 17.66.01, 17.66.01.10)

17.66.050 Conditional use permit required.

No planned residential development shall be permitted or constructed other than pursuant to and in accordance with a conditional use permit secured in compliance with the provisions of Chapter 17.24 of this title. (Zoning ordinance § 17.66.04)

17.66.060 Zone restriction.

No conditional use permit for a planned residential development shall be granted with respect to any property classified in any zone other than the R-1A, R-1B, R-1C, R-2, R-3 or R-4 zones. (Zoning ordinance § 17.66.05)

17.66.070 Zone compliance.

A conditional use permit for a planned residential development shall be subject to the minimum requirements of the zone in which proposed, unless such requirements are specifically modified pursuant to this chapter. (Zoning ordinance § 17.66.06)

17.66.080 Requirements.

A conditional use permit for a planned residential development shall be subject to all of the conditions specified in the following subsections:

A. Minimum Land Area. A planned residential development shall be of sufficient size, composition and arrangement to enable its feasible development as a complete unit.

B. **Exception of Zone Regulations.** Regulations pertaining to yard requirements, lot dimensions, street frontage of lots and limitations on the number of dwelling units in a building for the zone in which the land is situated need not be applied if the Planning Commission finds and determines that the project meets the intent and purpose of Sections 17.66.020, 17.66.030 and 17.66.050. Lot area, lot dimensions and lot locations shall be determined by the Planning Commission during the conditional use permit public hearing. Final approval of the plan for a planned residential development shall constitute approval of lot area, lot dimension and location as set forth in the approved plan. No reduction of front yard setback adjacent to a public street shall be granted except through modification pursuant to Chapter 17.20.

C. **Additional Regulations.** After reviewing an application for a planned residential development the Planning Commission may, in its approval thereof, impose conditions or requirements in addition to or in excess of those specified in this chapter if it finds that such additional requirements or conditions are necessary for the protection of the public health, safety or welfare.

D. **Density.** Density shall be determined by the underlying zone; however, density shall mean the average density of the entire site, excluding property dedicated for a public purpose. (Zoning ordinance §§ 17.66.07—17.66.07.40)

Chapter 17.67

SPECIFIC PLANS

Sections:

17.67.010	Intent and purpose.
17.67.020	Establishment of the specific plan district.
17.67.030	Application requirements.
17.67.040	Pre-application process.
17.67.050	Procedures.
17.67.060	Development standards.
17.67.070	Design criteria.
17.67.080	Findings.

17.67.010 Intent and purpose.

The specific plan designation serves as a planning tool to enhance development options when current zoning does not adequately provide for an optimal design or development program. The purpose of this chapter is to establish uniform procedures for the adoption and implementation of specific plans. The intent of the specific plan designation is as follows:

- A. To promote comprehensive planning for quality land development, with a viable program for building the infrastructure necessary to support it;
- B. To encourage a more efficient use of the land;
- C. To encourage a range of housing and employment activities so as to give imagination and variety in the physical development pattern of the city;
- D. To encourage the implementation of sustainable community design principles as well as use of renewable construction materials and incorporation of environmental friendly design concepts whenever possible;
- E. To facilitate development within the city in accordance with the general plan by permitting greater flexibility and encouraging more creative design development projects. (Ord. 2678 § 5 (part), 2006)

17.67.020 Establishment of the specific plan district.

When deemed to be necessary for orderly development in the city and for implementation of the general plan, and when deemed to be in the public interest, the city on its own, or upon application by a property owner, may process and adopt a specific plan in compliance with the provisions of this chapter. Applications not initiated by the city shall be accompanied by the appropriate filing fee. (Ord. 2678 § 5 (part), 2006)

17.67.030 Application requirements.

A specific plan application form shall be accompanied by a specific plan document, including text and diagrams, which include the following:

- A. A boundary survey map of the property or project area and a calculation of the gross land area within the district. A tentative subdivision or parcel map may be substituted if processed concurrently;
- B. A land use plan identifying areas within the proposed district and uses to be developed therein, supported by proposed density, intensity, and size of all existing and proposed land uses, including open space;
- C. Standards and criteria by which development will proceed, and standards for the conservation, development, and utilization of natural resources, where applicable;
- D. Statement of relationship of the specific plan to the general plan, and an analysis of consistency;
- E. Where applicable, an affordable housing plan consistent with the requirements of the city's redevelopment plans. Such affordable housing shall be similar in exterior design to market-rate housing within the same project;
- F. A circulation plan showing existing and proposed public and private streets, pedestrian ways, trails, bus stop locations, and access required to serve the project;
- G. Preliminary plans for essential urban services, including, but not limited to: water service, sewer service, solid waste disposal, stormwater management, energy, public safety, recreation, schools, and other essential facilities which may be needed to support the proposed development;
- H. A plan for complying with the City's Local Park Code. Specific plan projects with more than two hundred (200) units are encouraged to provide a portion of their public park requirement on site;
- I. The location of existing public utilities on and adjacent to the site, and the proposed location of utility extensions;
- J. The nature and location of any planned off-site improvements to be performed in conjunction with site development;
- K. Land use regulations, site development standards, and performance standards needed to govern subsequent approval of tract maps or developments within the district;
- L. Prototypical plans and elevations of residential, commercial, and industrial buildings, or design guidelines for such development, consistent with Section 17.67.070 of this chapter;
- M. A conceptual landscape plan and plant palette, or landscape design guidelines for public/common landscape and hardscape areas;

N. A plan for implementation including any programs, public works projects, and financing measures to implement the project and the required infrastructure;

O. A preliminary schedule setting forth phasing of development. The intent is to correlate the general phasing of development with the on- and off-site infrastructure necessary to support it;

P. Administrative provisions that address the procedures and conditions for amending, adjusting standards, and interpreting the specific plan, consistent with Section 17.67.050 of this chapter;

Q. Supporting studies as deemed necessary by the Planning Director or City Manager's Office, including, but not limited to:

1. Parking demand analysis to accompany a mixed-use project where shared parking is desired,

2. Fiscal impact analysis of the proposed project. Where a change of zone is proposed, the fiscal analysis should also include a comparison of development potential under the existing zone and the proposed project;

R. Other information as is deemed necessary by the Planning Services Manager to assure that the proposed specific plan is consistent with the provisions of state law, the general plan, and any other laws, regulations, and policies of the city. (Ord. 2678 § 5 (part), 2006)

17.67.040 Pre-application process.

A. A pre-application process is required prior to formal submittal of a specific plan. The intent is to establish a preliminary consultation process between city staff and the applicant to identify issues or concerns related to conceptual development plans, and to determine if other information will be required pursuant to Section 17.67.030 of this chapter. The pre-application review does not result in any official recommendation or final decision with respect to the application. The pre-application submittal includes, but is not limited to, the following:

1. Proposed land uses and development concepts, along with sufficient information to describe the general relationships between land uses, the project vision and design character, and the market(s) served;

2. A compatibility analysis of the proposed land uses and development concepts with existing adjacent land uses and developments. This analysis is intended to evaluate the compatibility of the proposed project and special site planning considerations with respect to adjacent properties, uses, aggregate impacts (including railroads) within five hundred (500) feet of the site property line in terms of, including, but not limited to, the following adjacent land use issues:

- a. Business operations, including hours of operation, transportation activities (e.g., volume and type of delivery traffic, delivery routes, and loading/storage areas),

- b. Ambient and projected noise levels, including single event noise sources above levels established in the general plan and in Chapter 8.36 of this code,

- c. Hazardous materials stored, used, and disposed, including applicable methods, and

- d. Odors;

3. Other information as deemed necessary by the Planning Director based on the nature, scale, and location of the proposed project. This may include requiring submission of an independent market analysis for the uses proposed;

4. Presentation of the pre-application materials at a Planning Commission and/or City Council workshop. Such presentation shall be for information purposes only, and shall be in addition to subsequent public review requirements pursuant to a specific plan application.

B. Following consultation with the applicant and the review of pre-application materials, the city will provide written comments and a specific plan requirements summary to be used in future project review. (Ord. 2678 § 5 (part), 2006).

17.67.050 Procedures.

A. Review and adoption of specific plans shall be conducted in the same manner as zoning reclassifications under Chapter 17.26 (Zone Change—Zoning Code Amendment). The application for a zone change to a specific plan designation shall be accompanied by a specific plan as described in this chapter. The zone change and specific plan request shall be considered concurrently.

B. In connection with approval of a specific plan, the zoning map shall be amended by an ordinance adopted by the City Council to rezone and reclassify the area covered by such specific plan. The specific plan district shall be indicated on the zoning map by an SP designation and a number. (Ord. 2678 § 5 (part), 2006)

17.67.060 Development standards.

A. The allowable uses in each specific plan district shall be as established by a specific plan approved by the City Council. The specific plan may incorporate uses by reference to specific base districts provisions or may establish specific use lists with definitions in the specific plan.

B. An existing zone, or zones, may be specified as the underlying base zone(s) for the area covered by a specific plan. Exceptions to the zoning and development standards of the base zone(s) shall be provided in the specific plan.

C. The specific plan zoning and development standards shall, upon adoption, supersede the zoning previously established for the area covered by the specific plan. Violations of the specific plan zoning and development standards shall carry the same penalties and shall be enforceable in the same manner as other violations of the Zoning Code.

D. Unless otherwise provided in a specific plan, adoption of such specific plan shall have no effect upon other requirements under state law or the Municipal Code for development approval including, but not limited to, subdivision maps, grading, design, engineering, and location of public improvements.

E. Any provisions in the specific plan for locations or design of sewers, storm drains or utilities shall be subject to review and approval by the City Engineer and the Public Utilities General Manager or their designated representatives. (Ord. 2678 § 5 (part), 2006)

17.67.070 Design criteria.

A. A specific plan shall demonstrate compliance with and implement the following design criteria intended to achieve high quality development:

1. Coherent architectural style(s) which establishes a clear and distinct image of the development project;
2. Varied and articulated building footprints and wall facades, including height variations and roof lines, consistent with the architectural style;
3. Context sensitive integration of building(s), open spaces, and landscape and hardscape areas to achieve an overall sense of place;
4. Quality materials, with appropriate use of colors, and textures which enhance the total effect;
5. Effective softening of parking, loading, and drive areas with landscaping, buffering and lighting;
6. Effective screening of mechanical equipment, trash areas, and other ancillary uses, both in terms of on-site and off-site visual impacts;
7. Reduced dominance of automobile garages or parking structures, achieved by building design, orientation, location on the site, or incorporation into other structures;
8. Effective use of open space for site access, recreation activities, resting, and enhancement of the overall site, including availability for public use;
9. Provision of pedestrian, bicycle and bus access to and, where feasible, within the site, including connection to city or regional networks, to reduce dependence on the automobile; and
10. Effective buffering from adjacent uses or, in the case of similar uses, effective coordination (such as shared

access and parking, consistent landscaping and lighting, etc.). (Ord. 2678 § 5 (part), 2006)

17.67.080 Findings.

Prior to approving or conditionally approving any specific plan or amendment thereto, the Planning Commission or City Council shall make the following findings:

A. That the property proposed for the specific plan has unique site characteristics such as topography, location, or surroundings that are enhanced by special land use and development standards;

B. That the specific plan is consistent with the goals, policies, and vision of the general plan;

C. That the specific plan results in development of desirable character and use types that will be compatible with existing and proposed development in the surrounding neighborhood;

D. That the specific plan contributes to a balance of land uses throughout the city. (Ord. 2678 § 5 (part), 2006)

Chapter 17.68

SERVICE STATION STANDARDS

Sections:

17.68.010	Definitions.
17.68.020	General requirements.
17.68.030	Site requirements.
17.68.040	Site development standards.
17.68.050	Access, parking and circulation.
17.68.060	Signs and displays.
17.68.070	Operational restrictions.

17.68.010 Definitions.

For the purposes of this chapter certain terms and words are defined as follows:

"Advertising structure" means a structure of any kind erected or maintained for outdoor advertising.

"Permanent reader panel" means a permanently installed, changeable copy bulletin board, whether lighted or unlighted, with detachable or replaceable precut letters and figures. (Zoning ordinance §§ 17.68.01—17.68.01.20)

17.68.020 General requirements.

A. Select Street Frontage. No automobile service station shall be constructed, maintained or operated on any lot or parcel of land that does not abut at least one select system street specified in Section 12.16.010 of this code.

B. Plan Review. No building permit for a service station shall be issued until the plans therefore have been reviewed and approved by the Planning Commission. If the requirements of this chapter and the other requirements of this code are met, such permit shall, upon the granting of a conditional use permit therefore, be issued in accordance with all such provisions. (Zoning ordinance §§ 17.68.02—17.68.02.30)

17.68.030 Site requirements.

The minimum requirements specified in this section shall apply to all service stations.

A. Lot Width and Depth. No service station shall be constructed or operated on a lot having a depth and width of less than one hundred (100) feet.

B. Lot Area. No service station shall be constructed or operated on a lot having less than sixteen thousand (16,000) square feet in area.

C. Setbacks.

1. No service station building shall be located nearer than thirty-five (35) feet from any street property line. Such setback shall be measured at the building foundation.

2. No canopy shall be closer than five (5) feet to any property line.

3. No gasoline pump or facility for dispensing gasoline nor any pump island on which the same are or may be located shall be nearer than fifteen (15) feet from any property line. (Zoning ordinance §§ 17.68.03—17.68.03.30)

17.68.040 Site development standards.

Every service station hereafter constructed or maintained shall comply with the site development standards specified in the following subsections:

A. Perimeter Walls. If a lot upon which a service station is constructed or maintained abuts a lot classified in Zone R-4 or in any more restrictive zone, a six (6) foot high solid masonry wall shall be constructed along the full length of each property line abutting property thus residentially zoned; provided, however, that such wall height shall be reduced to four (4) feet adjacent to the front yard of each adjacent residential property.

B. Rest Room Screening. All outdoor rest room entrances shall be screened from view from all adjacent properties and streets by means of a decorative screen six (6) feet in height. The bottom of such screen shall be raised no less than twelve (12) and no more than eighteen (18) inches above finished grade for visibility and ventilation.

C. Trash Areas. All outside trash, garbage, refuse and other storage areas shall be enclosed by a masonry structure not less than six (6) feet in height. Provision for adequate vehicular access for collection of such trash and materials shall be provided to and from such areas.

D. Landscaping. Every lot or parcel of land upon which a service station is constructed or maintained shall be landscaped as follows:

1. Three (3) foot wide planters shall be installed and maintained adjacent to every street frontage for the full length thereof except for driveways.

2. Two hundred (200) square feet of planting area shall be installed and maintained at the intersection of the property lines at a street corner.

3. A landscaped planter at least three (3) feet wide shall be constructed and maintained along the full length of each building elevation which is parallel to an adjacent street if the view thereof from such parallel street is otherwise unobstructed.

4. All planting areas shall be separated from adjacent asphalt paving by curb walls at least six (6) inches in height.

5. Landscaping plans for all required planter areas shall be submitted to the Planning Commission for its review and approval.

6. Permanent underground irrigation systems shall be installed and maintained for every landscaped area, and all such landscaped areas shall be planted and maintained in a clean and workmanlike manner.

7. Planters three (3) feet in width shall be installed and maintained immediately adjacent to all interior property lines from the intersection thereof with the adjacent street right-of-way line to a point fifteen (15) feet distant therefrom; provided, however, that if an interior perimeter wall is required, such planter shall extend to a point even with the actual building line of the automobile service station.

8. All plants in any planter adjacent to a perimeter wall shall, when required by the Planning Commission, be of a variety capable of growing to the height of such wall.

E. Surface Drainage. Flow lines shall be shown on all service station plot plans. Normal sheet flow may be permitted across sidewalks. Concentrated runoff shall be carried under sidewalks by means of a drainage structure approved by the City Engineer.

F. Utilities. All utilities including electrical, telephone, CATV, and similar service wires or cables which provide direct service to the property occupied by an automobile service station shall, within the exterior boundaries of the station property, be installed underground. Related electrical equipment, such as but not limited to, surface mounted transformers, pedestal maintained terminal boxes and meter cabinets, may be placed above ground if they are enclosed.

G. Equipment. All hydraulic hoists and pits, and all equipment for lubrication, greasing, automobile washing, and permitted repairs shall be enclosed entirely within a building.

H. Exterior Lighting. All exterior lighting shall be so arranged and shielded as to prevent any glare or reflection upon and any kind with adjoining streets or properties.

I. Architectural Control. All exterior walls should be constructed of rock, brick, stucco, wood, treated metal or any combination thereof. All exterior elevations shall be subject to review by and approval of the Planning Commission. (Zoning ordinance §§ 17.68.04—17.68.04.90)

17.68.050 Access, parking and circulation.

Every lot or parcel of land upon which is constructed or maintained a service station shall comply with the provisions of this section.

A. Driveways Limited. No such site shall have more than two (2) driveways or means of access to any one street.

B. Curb Separation. Every driveway shall be separated from adjacent residential property by a full height curb extending at least five (5) feet in length from the residential property line.

C. Driveway Width. No driveway shall exceed a width of thirty-eight (38) feet at the sidewalk. (See Planning Commission for additional regulations).

D. Corner Driveways. No driveway shall encroach into the curve of a street corner unless the radius of the curb return is greater than thirty (30) feet, in which case such encroachment shall not exceed one-eighth of such radius.

E. Driveway Separation. There shall be a minimum distance of twenty-two (22) feet of full height curb between each service station driveway.

F. Required Parking. Two (2) marked parking spaces shall be provided for each service bay, and in addition thereto additional marked parking spaces shall be provided equal in number to the total number of employees employed at any one time at such service station site.

G. Prohibited Parking. No person shall park any vehicle on any sidewalk, parkway, driveway, or planting area.

H. Vehicles for Sale or Hire. No vehicle on any service station premises may be advertised or offered for sale, lease or hire. No vehicle shall be parked on a service station site other than tow-trucks and other vehicles used in the conduct of the service station business, vehicles of employees used by them for transportation to and from work on the premises, vehicles of persons conducting business on service station site while conducting such business, and vehicles of customers either awaiting service thereon or while being serviced or which have been serviced on the premises and are awaiting delivery to or pickup by the owner thereof. (Amended during 1999 recodification; zoning ordinance §§ 17.68.05—17.68.05.80)

17.68.060 Signs and displays.

All signs and displays on the premises of an automobile service station shall comply with the provisions of and shall be limited to those specifically permitted by this chapter.

A. Size. The total advertising area shall not exceed two (2) square feet of sign for each lineal foot of street frontage.

B. Number. No more signs than the number specified in this subsection shall be permitted:

1. One wall sign per business building face;
2. One permanent reader panel;

3. One roof sign not to exceed a maximum height of thirty (30) feet, measured from finished grade at the building foundation;

4. One freestanding sign not to exceed a maximum height of thirty (30) feet, in no event closer than thirty-five (35) feet to a rear or side property line, and to be located within fifteen (15) feet of all abutting street property lines;

5. Four (4) price signs, all at the same height above grade, with maximum dimensions of five (5) feet by six (6) feet, and each attached to the permitted freestanding pole sign;

6. In lieu of the wall signs permitted by subsection (B)(5) of this section, not more than two (2) five (5) feet by six (6) feet permanent free standing price signs may be installed at the point where the interior side and street property lines intersect;

7. Two (2) permanent directional (self-serve and/or full serve) signs per pump island, not to exceed two (2) feet by two (2) feet in size shall be permitted.

C. Sign Lighting. Unless otherwise approved by the Planning Commission, all lighted signs shall be internally illuminated and shall cause no glare or reflection or light on other properties or buildings.

D. Flashing and Rotating Signs. No sign shall have progressive lighting. Rotating signs shall be limited to a maximum of eight (8) revolutions per minute and shall be limited to trade mark or trade name of the business conducted on the premises.

E. Banners. No banners, bunting strips, strings of signal flags or any similar display shall be permitted outside the building; provided, however, that such displays shall be allowed for fifteen (15) days after the issuance of the certificate of occupancy for the opening of a new service station.

F. No attachment to Light Standards. No signs shall be attached to the light standards.

G. Portable Signs. No portable signs shall be allowed outside the building.

H. Street Projection. No sign shall project over any portion of public right-of-way or conflict with traffic signalization in the area.

I. Display Location. Display of automotive supplies may be located only within an enclosed building, within five (5) feet of the central business office, or on a pump island. (Zoning ordinance §§ 17.68.06—17.68.06.90)

17.68.070 Operational restrictions.

Every automobile service station shall be conducted in accordance with the provisions of this chapter.

A. Hours of Operation. No automobile service station located within one hundred (100) feet of property

zoned exclusively for residential purposes shall be open for or conduct any type of business between the hours of ten p.m. and six a.m., except that this section shall not apply to any service station located within three hundred (300) feet of a freeway interchange. This section shall not preclude the wholesale filling of underground storage tanks at any time.

B. Repairs and Service. All repairs to and servicing of automobiles shall be conducted entirely within an enclosed building. This section shall not apply to the supplying of fuel, air, water, and antifreeze, or the cleaning of windows.

C. Sales and Rentals. No rentals of trailers, trucks, motor bikes or similar equipment shall be permitted. No sale of any merchandise (such as peat moss, fertilizer, vehicles and toys) not clearly incidental to the automotive industry, shall be permitted; provided, however, that on service station sites containing at least twenty-two thousand, five hundred (22,500) square feet trailers that may be operated by any person with a Class 3 drivers license may be rented subject to all conditions imposed by a conditional use permit obtained pursuant to Chapter 17.24 of this title. No other merchandise shall be sold other than convenience items, such as soft drinks and cigarettes from dispensers within or abutting the main building.

D. Cessation of Signals and Exterior Lighting. All signal bells and all lights shall be turned off when the station is not in operation, except that necessary security lights may be left on, which security lights shall not exceed fifty (50) percent of the exterior light fixtures by number nor fifty (50) percent of the lamp bulbs in exterior or multilamp fixtures. (Ord. 2525 § 4 (part), 2000; zoning ordinance §§ 17.68.07—17.68.07.40)

Chapter 17.70

OUTDOOR ADVERTISING STRUCTURES

Sections:

- 17.70.010** **Nonconforming use—**
 Continuation and removal.
- 17.70.020** **Relocation.**
- 17.70.030** **Removal of signs.**
- 17.70.040** **Maintenance.**
- 17.70.050** **Appendages and attachments.**
- 17.70.060** **Zone and use restrictions.**

17.70.010 Nonconforming use—Continuation and removal.

Every outdoor advertising structure heretofore lawfully erected and in existence upon the effective date of the ordinance codified in this chapter may continue thereafter as a nonconforming use pursuant to the abatement schedule as set forth in Section 17.12.120; provided, however, that any improvement or alteration of any part thereof other than advertising copy shall comply with all the provisions of this chapter. (Ord. 2522 § 7 (part), 2000; zoning ordinance § 17.70.020)

17.70.020 Relocation.

Any outdoor advertising structure heretofore lawfully erected and still in existence upon the effective date of the ordinance codified in this chapter may be relocated upon the same lot or premises provided that it complies with every provision of this chapter except Sections 17.70.050 and 17.70.170. (Ord. 2522 § 7 (part), 2000; zoning ordinance § 17.70.030)

17.70.030 Removal of signs.

Every outdoor advertising structure heretofore or hereafter unlawfully erected or maintained shall be forthwith removed by the property owner, or by direction of the City Council after a duly noticed public hearing where it is determined such outdoor advertising structure has been unlawfully erected or maintained, and the cost of such removal shall become a lien on the property where such unlawfully erected or maintained outdoor advertising structure was located. The unlawful structure so removed shall be stored by the city and released to the property owner upon tender of payment to the city of the cost of the removal plus a storage fee of five dollars (\$5.00) per day or any fraction thereof, excluding the first day such structure is taken into storage. If such illegal structure is not claimed within ten (10) working days after storage, the city shall dispose of such structure in the best interests of the property owner seeking to set off

against removal and the best interests of the property owner seeking to set off against removal and storage fees any value received for such structure. (Ord. 2522 § 7 (part), 2000; zoning ordinance § 17.70.040)

17.70.040 Maintenance.

All signs and sign structures shall be maintained in a state of safe condition and good repair. Any sign or sign structure that is allowed to deteriorate to such a condition that the paint, lettering or plastic face begins to crack, peel or weather, or sign structures which become bent or damaged in any way, shall be repainted or repaired to its original condition when installed or be entirely replaced or completely removed. (Ord. 2522 § 7 (part), 2000; zoning ordinance § 17.70.150)

17.70.050 Appendages and attachments.

Attachment of other on premises or off-premises signs to outdoor advertising structures shall not be permitted. No part of an outdoor advertising structure shall be attached to a building in any manner. (Ord. 2522 § 7 (part), 2000; zoning ordinance § 17.70.160)

17.70.060 Zone and use restrictions.

Except as expressly permitted in Section 17.70.010, no outdoor advertising structure may hereafter be maintained unless it complies with the following:

A. Outdoor advertising structure, two hundred (200) square feet or greater in area:

1. The structure must be located in the C-3 or less restrictive zone.

2. The parcel of land upon which the billboard is located shall have a valid certificate of occupancy for commercial or industrial use.

3. The parcel of land upon which the billboard is located may not contain a residential use.

B. Outdoor advertising structure, two hundred (200) square feet or less in area:

1. The structure must be located in the C-3 or less restrictive zone.

2. The parcel of land upon which the billboard is located shall have a valid certificate of occupancy for commercial or industrial use.

3. The parcel of land upon which the billboard is located may not contain a residential use.

4. The structure may not be within a one hundred fifty (150) foot radius of any on-premise freestanding advertising sign located on the same parcel. (Ord. 2522 § 7 (part), 2000; zoning ordinance § 17.70.170)

Chapter 17.72

DOWNTOWN EL MONTE RETAIL CORE FACADE DESIGN STANDARDS

Sections:

- 17.72.010 Establishment of the downtown El Monte retail core facade design standards.
 - 17.72.020 Definitions.
 - 17.72.030 Mandatory facade improvement regulations.
 - 17.72.040 Facade design.
 - 17.72.050 Signage standards.
- 17.72.010 Establishment of the downtown El Monte retail core facade design standards.

The downtown El Monte retail core facade design standards are intended to implement the policies of the city of El Monte General Plan and the downtown El Monte redevelopment plan. This chapter is intended to provide detailed design standards for: signage, lighting, awnings, color, materials, and other appropriate design factors. The downtown El Monte retail core facade design standards are applicable to the front, rear and sides of all buildings located on property fronting the south side of Valley Boulevard from Santa Anita Avenue on the west to Iris Lane on the east and property fronting the north side of Valley Mall from Santa Anita on the west to a point three hundred forty (340) feet east of the centerline of Tyler Avenue along the east and west side of Monterey Avenue, El Monte Avenue and Center Street north of the centerline of Valley Mall to Valley Boulevard and Lexington Avenue to a point four hundred ninety-four (494) feet on the east side of Lexington Avenue and five hundred twenty-seven (527) feet on the west side of Lexington Avenue south of the centerline of Valley Mall. (Zoning ordinance § 17.72)

17.72.020 Definitions.

For the purposes of this chapter, certain terms and words are described as follows:

"Billboard" means a sign, structure or device used for outdoor advertising purposes or to attract the attention of the public relative to products, services or uses other than those provided on the premises.

"Block" means an area of land, whether under one or several ownerships, shown on the map and bounded either by streets or the boundary of the ordinance area.

"Building identification sign" means a sign containing the name and/or address of the building to which the sign is attached.

"Community service sign" means a sign provided by a nonprofit organization.

"Facade" means any exterior wall of a building, including front, side and rear.

"Freestanding sign" means any sign of which the primary structural support is not a building and which has as its primary support a post, pole or other structure which is anchored to, attached to or stands directly on the ground.

"Ground level" means the highest elevation of the ground surface or existing sidewalk directly under a sign.

"Hanging sign" means a sign other than a wall or projecting sign suspended from or supported by a building structure.

"Interior store" means any premises with access from a mall or other common area, but without direct access from a public street such as stores within malls or arcades.

"Map" means the map on file in the office of the City Clerk.

"Mural" means a large-scale painting for ornament or commemoration, but not for advertising, painted directly onto an exterior wall or a building.

"Ordinance area" means the area within the shading on the map on file in the office of the City Clerk.

"Painted wall sign" means any sign painted directly on the exterior surface of the building. Allowed only when precedent can be documented.

"Pedestrian lighting" means public exterior lighting providing a low level of illumination for the public right-of-way.

"Premises" means an individual building housing one or more businesses.

"Project" means any proposed building, structure, facade modification signage change or other development of property or structural alteration or enlargement of a building or structure to be located on a lot within the ordinance area.

"Projecting sign" means a sign other than a wall sign suspended from or supported by a building and projecting out therefrom.

"Retail sales" means sale of commodities in small quantities to the public, as distinguished from wholesale sales (not available to the general public) and from the provision of services.

"Roof sign" means any sign erected upon or above a roof or parapet or projecting above a roofline of a building or structure.

“Security gate” means moveable gate permanently installed over or behind building doors and windows.

“Sign” means any display board, screen object, device or part thereof used to visually announce, declare, demonstrate, display, identify or otherwise advertise and attract the attention of the public including signs identifying services or products available in the premises or identifying the occupant or premises, but excluding changeable restaurant menus, less than two hundred (200) square inches in size.

“Sign area” means the area of the smallest rectangle, circle, and/or triangle (or any combination of these) which will enclose all words, letters, figures, symbols, designs and pictures, together with all framing, background material, colored or illuminated area, and attention-attracting devices forming an integral part of the sign. Sign area refers only to single-facade signs shall be no more than twice that allowed for single-faced sign.

“Sign lighting” means lighting provided for signs. With the exception of neon signs, all signs will be lit by exterior lighting.

“Street address sign” means a numeric sign for the purpose of identifying a building’s legal address.

“Temporary sign” means any sign constructed of paper, canvas, cloth or similar material and designed for temporary use.

“Wall sign” means any sign attached to or erected against the wall of a building or structure with the exposed face of the sign in a plane approximately parallel to the plane of said wall. (Amended during 1999 recodification; zoning ordinance §§ 17.72.01—17.72.01.260)

17.72.030 Mandatory facade improvement regulations.

All building facades which are rendered nonconforming by reason of this chapter shall be brought into conformity within the following time period, which period shall commence on the effective date of the ordinance codified in this chapter.

A. Time Period for Removal of Nonconforming Items. Removal of nonconforming signs, awnings, lighting, nonpermitted exterior materials and nonpermitted exterior colors: three (3) years.

B. Time Period for Facade Rehabilitation. Rehabilitation of building facades in conformance with this chapter four (4) years.

C. Nonconforming Facades Deemed Public Nuisances. Upon the conclusion of the abatement period for nonconforming facade improvements within the downtown El Monte retail core area, such nonconforming facade improvements shall be deemed to be a public nuisance

and shall be subject to abatement by the city in the manner provided by law.

D. Procedures for Compliance.

1. Submittal of Review Package.

a. Current eight (8) by ten (10) color photos of the existing facade—one each of front, rear, and side(s) as applicable;

b. Proposed facade elevation drawing prepared by a licensed architect. Proposed colors and materials shall be indicated. All existing and proposed lighting, signage and awnings shall also be indicated;

c. A written report prepared by a structural engineer indicating the seismic safety of the structure and if appropriate, the measures recommended to properly secure such structure from unreasonable risk of loss to persons and property as a result of earthquake;

d. In the event that the proposed facade renovation includes an expansion of the floor area of a building or structure, the applicant shall indicate the method by which the required vehicle parking amenities shall be provided.

2. Upon determination by the Planning Division that the review package is complete, the Planning Division shall schedule an evaluation of the improvements by the Planning Commission within thirty (30) days.

3. All proposed improvements shall be reviewed pursuant to this chapter, and the standards for downtown El Monte.

4. The City Planning Commission shall review all proposed improvements and authorize the installation and construction thereof subject to reasonable modification and if appropriate, such other conditions as the Planning Commission may require. Subject to such review, the Planning Commission affirms that all improvements have been made in accordance with the specifications of the downtown El Monte retail core facade design standards ordinance.

5. The approved facade improvement or necessary construction shall commence within six (6) months after the Planning Commission approval of the improvements. Failure to begin renovation or make diligent efforts toward completion shall render approvals null and void.

6. Following the Planning Commission action, the Redevelopment Agency shall review the proposed improvements, as approved by the Planning Commission, to determine consistency with the redevelopment plan.

7. The proposal shall comply with all other applicable provisions of this code and development standards. (Amended during 1999 recodification; zoning ordinance §§ 17.72.02—17.72.40)

17.72.040 Facade design.

The front, rear and side (where applicable) of building facades shall be fully improved.

A. Common Palette. All building shall maintain a common palette of building facade colors and materials appropriate to the area.

1. Building Color Treatment.

a. A warm palette of "earthtone" colors with color accents on windows, door frames and awnings shall be provided for building exteriors.

2. Building Materials Treatment.

a. A common palette of materials and finishes including brick, tile, metal, glass and stucco shall be maintained among building exteriors.

b. Continuity in building materials shall be maintained for all lots with more than one commercial occupant sharing continuous frontage.

c. The following materials are prohibited for new development or exterior building facade, rehabilitations: imitation rock, crushed rock, reflective glass in ground floor window frontage, corrugated fiberglass, metal sliding, wood siding, imitation brick and artificial turf.

B. Minimum Glazed Area. A minimum of twenty (20) percent of the building's ground floor walls shall be provided with window openings along street frontage.

C. Consistent Treatment of Shared Frontage. All lots with more than one commercial occupant sharing contiguous frontage shall maintain uniform door and window treatment consistent with overall building design.

D. Continuity of Roof Design. Roofs and roof lines on single structures shall be continuous in design except where there is a major change on the building elevation.

E. Roof Materials. The following roof materials shall be provided for all construction or building rehabilitation where roofing is visible from the adjacent street; clay roof tile in red or earthtones; slate roof in black, gray, blue gray or blue black; composition roofing shingle in a color coordinated with the overall building renovation and approved per the requirements of this chapter.

F. Awnings. The design and installation of awnings shall conform to the following standards:

1. All lots with more than one commercial occupant sharing contiguous frontage shall maintain a common location and design for building awnings.

2. The bottom edge of awnings shall be a minimum of eight (8) feet of the ground.

3. All awnings shall be constructed with noncombustible materials such as fireproof canvas or vinyl.

4. Awnings shall be centered over doorways and windows.

5. Awnings shall be in proportion to door and window openings.

6. Awnings shall be of a color which is appropriate to the overall colors of the facade.

7. The shape, size and number of awnings shall be appropriate to the overall facade design and building size.

8. Awning structure shall be sufficient to support safely the awning and withstand the pressures of wind and weather.

9. Awnings which become ripped, tattered, or damaged must be repaired or replaced within three (3) months of the occurrence/appearance of the damage.

G. Exterior Building Lighting. The design and installation of exterior building lighting shall conform to the following standards:

1. Exterior building lighting shall be designed to relate in color, material, size, location and illumination to the building architecture.

2. Exterior building lighting designated to illuminate signs shall be mounted above the sign on the facade and shall be appropriate to the size and scale of the signage.

3. Pedestrian and auto-oriented street lighting (light posts) will be provided by the city. No private pedestrian street lighting shall be permitted.

4. Pedestrian alley lighting (light posts) will be provided by the city. No privately installed light posts shall be permitted.

5. Alley lighting, marking building entries must be surface mounted and may be either flush with, recessed or extended from the wall. No fluorescent lighting shall be allowed for this purpose.

6. No lights shall be strung between buildings, trees or other objects.

7. Fluorescent lighting tubes shall be concealed by a shade or lens.

8. Spotlights and up-lights for trees concealed within the alleyway landscaping shall be directed so as not to shine in the eyes of the pedestrians.

9. No floodlights shall be permitted.

10. All lots with more than one commercial occupant sharing contiguous frontage shall maintain a common location and design for pedestrian lighting as approved under Section 17.08.030 of this title.

H. Mechanical Equipment Screening.

1. Mechanical equipment on the ground shall be completely screened from street level view with attractive planting, masonry walls or iron fencing with planting which compliment building architecture. All planting shall be provided in accordance with a landscape plan prepared by a licensed landscape architect, licensed architect or landscape contractor and approved as set forth in Chapter 17.10 of this title.

2. All roof-mounted mechanical equipment shall be located behind a permanent parapet wall and completely screened from ground level view.

I. Security Gates.

1. No security gates or security window grilles shall be installed or maintained on the exterior of a building. (Zoning ordinance § 17.72.03—17.72.03.90)

17.72.050 Signage standards.

The design and installation of signs shall conform with the following standards:

A. Auto-Oriented Signage. Auto-oriented signage shall comply with the following signage system:

1. The sign message must be the store name only. Sign shall be made of individual cut out letters mounted directly to the building facade with thin rods or pins which hold the letter three-fourths inch off the building surface. A narrow ornamental frame, completely independent of the letters, shall be permitted. Such a frame would be mounted in the same manner as the letters.

2. Sign letters shall be of wood, metal or exterior quality, high density foam covered with high pressure plastic laminate at least three-fourths inch thick. Lighted neon glass tubing is also permitted.

3. All letters shall be painted with an exterior gloss enamel in an accent color used elsewhere on the building exterior.

4. Non-neon signage will be lit externally by fixtures mounted above the sign on the facade.

5. Any additional symbols or graphic elements must be three dimensional and shall be subject to approval as part of the review package.

B. Pedestrian-Oriented Signage. Pedestrian-oriented signage shall comply with the following signage system. All buildings are required to have a twenty-six (26) by twenty-two (22) inch flag mounted sign as specified below:

1. The bottom edge of all signs shall be seven (7) feet nine (9) inches to eight (8) feet six (6) inches above the ground.

2. All signs shall be twenty-six (26) inches in length by twenty-two (22) inches in height.

3. Signs shall be made of one-eighth inch thick painted sheet metal.

4. All signs shall be painted with an exterior grade enamel. The bracket shall be painted in an accent color used elsewhere on the building exterior.

5. Signs shall be nonfixed to lessen the impact of vandalism.

6. Signs shall be hung from a two (2) feet by eight (8) inches horizontal metal tube (two (2) inches in diameter) and mounted.

C. Rear Facade Signage. Rear facade signage shall comply with the following guidelines:

1. Signage may be either a painted wall sign, a wall sign or three (3) dimensional signage as specified in subsection A of this section, Auto-Oriented Signage.

2. Painted Wall Signs.

a. Painted wall signs shall be allowed only on rear building facades.

b. Signage shall not cover greater than twenty (20) percent of the surface on which the sign is painted. This determined by the area defined by the edges of the lettering.

c. The design and maximum coverage of all painted wall signs shall be subject to Planning Commission approval as part of the review package.

3. Wall Signs.

a. Wall signs shall be allowed only on rear building facades.

b. Wall signs may be made of wood or metal and painted with exterior gloss enamel colors.

c. The area of the wall sign shall not exceed twenty (20) percent of the wall surface on which it is hung.

d. The design and maximum coverage of all wall signs shall be subject to Planning Commission approval as part of the review package.

D. Exterior Signage Lighting.

1. Signage lighting shall be mounted on the facade above the auto-oriented sign.

2. The lights shall not obstruct the signage.

3. Signage lighting shall be designed to relate in color, material, size, location and illumination to both the signage being illuminated and to the building facade.

E. Other Signage Requirements. Notwithstanding any provision of the El Monte Municipal Code to the contrary, no person shall erect or maintain a sign or signs within the area designated the downtown El Monte retail core facade overlay zone unless it conforms to the following regulations:

1. Pursuant to an inventory of existing signs, that signage which is identified as legal nonconforming shall be removed simultaneously along with the facade improvement.

2. No sign shall be constructed, placed, created or maintained on any premises which advertises other than a bona fide business conducted, product sold or service rendered on the premises where the sign is located, or which identifies by name, logo and address the building or premises on which the sign is located.

3. No more than two signs shall be constructed, placed, created or maintained on any premises except that (a) premises, situated in buildings located on corner lots, may have one sign on each exterior wall which abuts a

street; (b) premises with accessways to an alley or parking lot may have one additional sign directly adjacent to the alley accessway; (c) theaters may have additional wall signs, not to exceed a total of one hundred (100) square feet, for the purpose of advertising their current and forthcoming shows.

4. Existing theater wall signs and existing theater marquees shall be permitted three and one-half (3 1/2) square feet for each one foot of street frontage. First story street frontage must be calculated separately for each street which the premises abuts and may not be accumulated for determining the size of any sign.

5. Double-faced signs shall be considered as one sign and shall be limited to one sign per premises. A double-faced sign shall have two parallel faces. The total thickness of the sign shall be no more than two (2) inches.

6. Each building which contains interior stores shall be permitted one sign on each exterior wall which abuts a street. The permitted sign may, pursuant to the design process contained herein, identify all businesses conducted in the interior premises but may not exceed a total area of twelve (12) square feet.

7. No projecting sign shall have a vertical dimension exceeding four (4) feet.

8. No painted wall signs shall be permitted unless a historical precedent can be documented with the exception of those signs on the rear building facade as outlined in subsection C of this section, Rear Facade Signage.

9. No signs painted on metal, wood, plastic or surfaces other than the wall of the building shall be permitted with the exception of those signs on the rear building facade as outlined in subsection C of this section, Rear Facade Signage.

10. The top of any sign shall not extend more than twenty (20) feet above ground level.

11. No more than one projecting sign shall be constructed, placed, created or maintained on any premise.

12. No wall sign shall project more than nine (9) inches from the face of the building to which it is attached.

13. Signs permanently attached or affixed to exterior windows or doors shall not occupy more than ten (10) percent of the total window or door area to which they are attached or affixed.

14. Premises with awnings may have painted on or affixed to the valances thereof in letters, numbers or symbols not to exceed nine (9) inches in height the name, occupation and/or address of the tenant or owner.

15. All lots with more than one commercial occupant sharing contiguous frontage shall maintain a common

size, location and height for signs as measured from the adjacent sidewalk level.

16. Subject to city approval or permit, one temporary sign shall be permitted on each exterior wall or window of a premises which abuts a street, alley, exit court, or public parking area indicating that a sale of goods or services is being conducted on said premises, provided that said sign does not exceed ten (10) square feet in area; its letters, numbers, or symbols do not exceed twelve (12) inches in height; and no such sign is maintained for more than thirty (30) days in any consecutive one hundred eighty (180) day period.

17. One street address sign shall be allowed on each building face for which the property has a legal address. The numeric signs shall be white, four (4) inch, Helvetica Medium vinyl die cut numbers located above the doorway of each property.

18. No sign shall be installed or maintained above the building parapet.

19. Foreign language signs are permitted; however, all established business trade names or the basic business product name appearing on those shall also be written with the English alphabet and the street address with Arabic numerals.

F. Prohibited Signs.

1. No roof signs shall be permitted.
2. No freestanding signs shall be permitted.
3. No portable signs shall be permitted.
4. No billboards shall be permitted.
5. No flashing or blinking signs shall be constructed, placed, created or maintained.
6. No internally lit rectangular box signs with over-all plexiglass faces shall be permitted.
7. No banners, flags, bunting, balloons, or similar temporary advertising shall be permitted, except pursuant to Section 17.12.090A.

G. Exceptions. The provisions of subsections C, D and E of this section shall not apply to:

1. Signs required by law;
2. Signs owned by a governmental agency;
3. Public utility signs which contain no advertising copy and which are customarily utilized in the performance of the utility's function;
4. One construction sign located on a lot where a building or structure is being erected or remodeled and which identifies the architects, engineers, financing agent and/or contractors involved in the project, provided, however, that such sign shall not extend more than eight (8) feet above the ground level, nor exceed forty (40) square feet in area;
5. Mural decorations intended for ornament or commemoration which have been determined by the

Planning Commission to have artistic merit and to be supportive of the goals and objectives of this chapter and the Downtown El Monte design plan;

6. One temporary real estate sign on the building face of each premises which abuts a street, alley, exit court, or parking lot, indicating the building or land or premises is for sale, lease or rent; provided such signs are located on the property to which they relate and do not exceed fifteen (15) square feet in size;

7. Signs which are contained on the list of cultural or historical monuments prepared by the city;

8. Freestanding community service signs which are existing on the effective date of the ordinance codified in this chapter. (Zoning ordinance §§ 17.72.04—17.72.04.70.)

Chapter 17.74

**MULTIPLE TENANT DEVELOPMENT
STANDARDS**

Sections:

- 17.74.010 General.**
- 17.74.020 Site area.**
- 17.74.030 Floor area.**
- 17.74.040 Recordation of covenant.**

17.74.010 General.

Multiple tenant development shall be subject to the regulations specified in this chapter and to such additional regulations as may be specified in the conditional use permit authorizing the same. (Zoning ordinance § 17.74)

17.74.020 Site area.

The site for any proposed multiple tenant development shall consist of an area not less than forty-five thousand (45,000) square feet in size, sites under forty-five thousand (45,000) square feet in size shall not be developed for multiple nonresidential tenant uses. (Zoning ordinance § 17.74.10)

17.74.030 Floor area.

The floor area ratio of dissimilar uses shall be identified on an approved floor plan submitted by the developer. (Zoning ordinance § 17.74.20)

17.74.040 Recordation of covenant.

Prior to issuance of a building permit, the owner of a multiple tenant development shall submit to the Planning Division a covenant which runs with the land and benefits the city in recordable form that the owner will:

- A. Maintain the buildings and the premises in the multiple tenant development in a good and first class condition;
- B. Maintain the landscaping on the site in a good and first class condition;
- C. Control signage in the multiple tenant development; and
- D. Maintain or reserve for occupancy by a single tenant twenty (20) percent of the leasable floor area of the multiple tenant development or of five thousand (5,000) square feet of the improved useable commercial tenant or commercial user structures on the site, whichever is lesser. (Zoning ordinance § 17.74.30)

Chapter 17.76

ADULT ENTERTAINMENT ESTABLISHMENT*

Sections:

17.76.010	Definitions
17.76.020	Purpose and intent.
17.76.030	Applicability and exceptions.
17.76.040	Establishment of an adult business.
17.76.050	Measurement of distance.
17.76.060	Misdemeanor offenses.
17.76.070	Violations—Penalties.
17.76.080	Civil injunction.
17.76.090	Public nuisance.
17.76.100	Administrative penalties.
17.76.110	Amortization and regulation of nonconforming adult business uses.
17.76.120	Extension of time for termination of nonconforming use.

* Prior ordinance history: Zoning ordinance §§ 17.76.10—17.76.70.

17.76.010 Definitions.

As used in this chapter:

"Adult bookstore/adult video store/adult novelty store" means any establishment which on a regular and substantial basis sells or rents, or offers for sale or rental, for any form of consideration, any one or more of the following:

1. Books, magazines, periodicals or other printed matter, or photographs, films, sculptures, motion pictures, video cassettes, slides or other visual representations which are characterized by an emphasis on material depicting, describing or relating to "specified sexual activities" and/or "specified anatomical areas;"

2. Instruments, devices or paraphernalia which are designed for use in connection with "specified sexual activities," including goods which are replicas of, or which simulate "specified anatomical areas" or "specified sexual activities," and goods which are designed to be placed on or in "specified anatomical areas."

"Adult business" means a business which is conducted exclusively for the patronage of adults and as to which minors are specifically excluded from patronage, either by law and/or operators of such business, and which is characterized by an emphasis on "specified sexual activities" and/or "specified anatomical areas." "Adult business" also means and includes any adult motion picture theater, adult bookstore/adult video store/adult novelty store, adult cabaret, adult dance studio, adult hotel or motel, adult

theater, sexual encounter establishment, nude modeling studio, adult tanning salon, sex supermarket/sex mini-mall, and any other business or establishment that, on a regular and substantial basis, offers its patrons entertainment or services which involve, depict, describe or relate to "specified sexual activities" and/or "specified anatomical areas."

"Adult cabaret" means a nightclub, bar, restaurant, bottle shop, or similar commercial establishment, whether or not alcoholic beverages are served, which, on a regular and substantial basis, features: (1) persons or entertainers who appear on stage; (2) live performances which are characterized by the exposure of "specified sexual activities" or "specified anatomical areas;" or (3) films, motion pictures, video cassettes, slides or other photographic reproductions which are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas."

"Adult dance studio" means any business or commercial establishment which provides for members of the public a partner for dance where the partner, or the dance, is distinguished or characterized by an emphasis on matter involving, depicting, describing or relating to "specified sexual activities" and/or "specified anatomical areas."

"Adult motel or hotel" means a motel, hotel or similar commercial establishment offering public accommodations for any form of consideration which, on a regular and substantial basis": (1) provides patrons with closed-circuit television transmissions, films, motion pictures, video cassettes, slides or other photographic reproductions characterized by an emphasis on material depicting, describing or relating to "specified sexual activities;" and/or (2) offers, rents, leases, or lets any room for less than a ten (10) hour period; or (3) offers or allows a tenant or occupant to rent or subrent a sleeping room for a period of less than ten (10) hours.

"Adult motion picture theater" means any establishment where, for any form of consideration, one or more motion picture projectors, video cassette players, slide projectors or similar machines, for viewing by five or fewer persons each, are used on a regular and substantial basis to show films, motion pictures, video cassettes, slides or other photographic reproductions characterized by an emphasis on material depicting, describing or relating to "specified sexual activities" and/or "specified anatomical areas."

"Adult-oriented business" or "sexually-oriented business" has the same meaning in all respects as adult business and shall be subject to all conditions and requirements of an adult business as defined in this section.

"Adult tanning salon" means a business establishment where patrons receive tanning services in groups of two (2) or more and where patrons or employees of the establishment expose specified anatomical areas. "Adult tanning salon" or "tanning parlor" shall also include a business establishment where the employees thereof are nude or expose "specified anatomical areas" for any form of consideration.

"Adult theater" means a theater, concert hall, auditorium or similar establishment which, for any form of consideration, and on a regular and substantial basis, features live performances which are characterized by an emphasis on "specified anatomical areas" and/or "specified sexual activities."

"Advertise" means public notice or announcement of items or services through the use of newspaper, handbills, radio, television, or other means of public communication.

"Employee of an adult business" means a person who works or performs, as an employee or as an independent contractor, in and/or for an adult business, regardless of whether said person is paid a salary, wage, or other compensation by the business.

"Entertainer" or "live entertainer" means any person who is an employee or independent contractor of an Adult Business, or any person who, with or without any compensation or other form of consideration, performs live entertainment for patrons of an adult business.

"Escort" means any person who, for consideration, agrees or offers to act as a companion, guide, or date for another person, or who agrees or offers to privately model lingerie or to privately perform a "striptease" for another person. Escort shall not include any person hired by a state licensed school for purposes of modeling in any art education class while such person acts in that capacity or any federal, state and/or city-licensed limousine or taxi service.

"Establishment of an adult business" means and includes any of the following:

1. The opening or commencement of any sexually-oriented business as a new business;
2. The conversion of an existing business, whether or not it is a sexually-oriented business, to any sexually-oriented business;
3. The addition of any sexually-oriented business to any other existing sexually-oriented business; or to another existing nonsexually-oriented business, with or without expansion of floor area;
4. The relocation of any sexually-oriented business; or
5. The substantial enlargement of the premises of an adult business.

"Figure model" means any person who, for pecuniary compensation, consideration, hire, or reward, poses in a nude modeling studio to be observed, sketched, painted, drawn, sculpted, photographed or otherwise depicted.

"Notice" means written notice given by personal service upon the addressee, or given by the United States mail, postage prepaid, addressed to the person to be notified at his or her last known address. Service of such notice shall be effective upon the completion of personal service, upon placing the same in the custody of the United States Postal Service.

"Nude modeling studio" means a business which provides, for compensation, monetary or other consideration, hire or reward, figure models who, for the purposes of sexual stimulation of patrons, display "specified anatomical areas" to be observed, sketched, photographed, painted, sculpted or otherwise depicted by persons paying such consideration. "Nude modeling studio" does not include schools maintained pursuant to standards set by the State Board of Education, or any classroom of any school licensed under State law to provide art education while such classroom is being used in a manner consistent with such state license. "Nude Modeling Studio" further does not include a studio or similar facility owned, operated or maintained by an individual artist or group of artists, and which does not provide, permit or make available "specified sexual activities."

"Nudity" or "state of nudity" means the showing or display of the human male or female genitals, pubic area, or buttocks with less than a fully opaque covering, the showing of the female breast with less than a fully opaque covering of any part of the nipple, or the showing of the covered genitals in a discernable turgid state.

"Off-premises" means any business where the primary services or entertainment are provided at a location or locations other than the premises of the subject business.

"Operate an adult business" means the supervising, managing, inspecting, directing, organizing, controlling or in any way being responsible for or in charge of the conduct of activities of an adult business or activities within an adult business.

"Operator of an adult business" means and includes the owner, permit holder, custodian, manager, operator, or person in charge of any permitted or licensed business.

"Private viewing area" means an area or areas in a sexually-oriented business designed to accommodate no more than five (5) or less patrons or customers for purposes of viewing or watching a performance, picture, show, film, videotape, slide, movie, or other presentation.

"Public nudity" means "nudity" or a "state of nudity" that occurs in a business open to the public, whether or not a fee is charged for admission to such business.

"Public park" means a park, playground, swimming pool, athletic field, or similar recreational facility within the city which is under the control, operation or management of the city or any other public agency.

"Regular and substantial basis." An activity or performance shall be deemed to be regular or substantial basis when it constitutes more than twenty-five (25) percent of the total performance time, stock-in-trade, revenue, floor space, advertisement or similar element of the business. For purposes of this definition, revenue shall include gross revenue generated by the business, including revenue received by entertainers and others who work as independent contractors. For purposes of this definition, the floor space devoted to a regulated activity shall include all the area devoted to the activity, including, but not limited to, display area, sales area, performance areas, viewing areas, dressing rooms, and all aisles and pathways between and within such areas.

"Religious institution" means a structure which is used primarily for religious worship and related religious activities, including, but not limited to a church, temple, mosque, chapel or similar place of worship.

"Residential use or residential zone" means property which is zoned for a residential use and/or a single family dwelling, duplex, townhouse, multiple-family dwelling or mobile home park/subdivision or recreational vehicle park, but not including a caretaker's/security house or trailer, or a legal nonconforming residential use in a "C" or "M" zone as permitted by this code.

"Schools" means any child care facility, or an institution of learning for minors, whether public or private, which offers instruction in those courses of study required by the California Education Code or which is maintained pursuant to standards set by the State Board of Education. This definition includes, but is not limited to, a nursery school, kindergarten, elementary school, junior high school or middle school, senior high school or any special institution of education within the city.

"Semi-nude" means a state of dress in which clothing, including supporting straps or devices, covers no more than the genitals, pubic region, and areolas of the female breast.

"Sex supermarket/sex mini-mall" means the establishment or operation of more than one-type of sexually-oriented business or use as defined in this title within the same building.

"Sexual encounter establishment" means a business or commercial enterprise that, as one of its primary business purposes, offers for any form of consideration, a place where two (2) or more persons may congregate, associate or consort in connection with "specified sexual activities" and/or the exposure of "specified anatomical areas." This

definition does not include an establishment where a medical practitioner, psychologist, psychiatrist or similar professional person licensed by the state engages in sexual therapy.

"Specified anatomical areas" means and includes any of the following:

1. Less than completely and opaquely covered human genitals, pubic region, buttocks, anus, or female breasts below a point immediately above the top of the areola; or
2. Human male genitals in a discernible turgid state, even if completely and opaquely covered;
3. Any device, costume or covering that simulates any of the body parts included in subsections 1 or 2 of this definition.

"Specified sexual activities" means and includes any of the following:

1. The fondling or other intentional touching of human genitals for purpose of sexual arousal, or fondling or other intentional touching of human genitals, pubic region, anus, female breasts;
2. Sex acts, normal or perverted, actual or simulated, including intercourse, oral/anal copulation, bestiality, flagellation or torture in the context of a sexual relationship;
3. Masturbation, sodomy, oral copulation, coitus or ejaculation of human or animal, actual or simulated;
4. Human genitals in a state of sexual stimulation, arousal or tumescence; or
5. Excretory functions, urination, vaginal or anal irrigation as part of or in connection with any of the activities described in subdivisions 1 through 4 of this definition.

"Substantial enlargement of an adult business" means an increase or expansion, over the lifetime of an adult business, of more than ten (10) percent or one hundred (100) square feet, whichever is less in the portion of the floor area of the business which is devoted to products, services or entertainment with an emphasis on material depicting, describing or relating to "specified anatomical areas" and/or "specified sexual activities."

"Transfer of ownership or control of an adult business" means and includes any of the following:

1. The sale, lease, or sublease of the business;
2. The transfer of securities which constitute a controlling interest in the business, whether by sale, exchange or similar means; or
3. The establishment of a trust, gift, or other similar legal devise which transfers ownership or control of the business, except for transfer by bequest or other operation of law upon the death of a person possessing the ownership of control. (Ord. 2536 § 4 (part), 2001)

17.76.020 Purpose and intent.

A. The purpose and intent of this chapter is to regulate adult businesses which, unless closely regulated, tend to have serious negative secondary effects on the community, which effects include, but are not limited to, the following; depreciation of property values and increase in vacancies in residential and commercial areas in the vicinity of adult businesses; interference with residential property owners' enjoyment of their property when such property is located in the vicinity of adult businesses as a result of increases in crime, litter, noise and vandalism; higher crime rates in the vicinity of adult businesses; and blighting conditions such as low-level maintenance of commercial premises and parking lots, which thereby have a deleterious effect upon adjacent areas. Special regulation of these businesses is necessary to prevent these adverse effects and the blighting or degradation of the neighborhoods in the vicinity of the adult businesses.

B. It is neither the intent nor the effect of this chapter to impose limitations or restrictions on the content of any communicative material. Similarly, it is neither the intent nor the effect of this chapter to restrict or deny access by adults to communication materials or to deny access by the distributors or exhibitors of adult businesses to their intended market.

C. Nothing in this chapter is intended to authorize, legalize or permit the establishment, operation or maintenance of any business, building or use which violates any city ordinance or any statute of the state of California regarding public nuisances, unlawful or indecent exposure, sexual conduct, lewdness or obscene or harmful matter or the exhibition or public display thereof.

D. Notwithstanding any provision of Title 9 (Public Peace, Morals and Safety) of the this code, the regulations set forth under this chapter shall apply specifically to adult businesses. (Ord. 2536 § 4 (part), 2001)

17.76.030 Applicability and exceptions.

A. This chapter shall apply to the establishment of an adult business, as defined in Section 17.76.010 (Definitions).

B. This chapter shall not apply to any of the following businesses or activities:

1. Any massage parlor or massage practitioner holding a valid current license issued pursuant to Section 5.56.020 of this code;

2. Any treatment administered in good faith in the course of the practice of any healing art or profession by any person holding a valid license or certificate issued by the state to practice any such art or profession under the

provisions of the State Business and Professions Code or any other state law. (Ord. 2536 § 4 (part), 2001)

17.76.040 Establishment of an adult business.

The establishment of an adult business shall be permitted only in the M-1 (light manufacturing) zone and M-2 (general manufacturing) zone, subject to the following regulations:

A. An adult business shall not be established or located within two hundred fifty (250) feet of:

1. Any religious institution, including a church, synagogue, mosque, temple, mortuary, cemetery, or building or portion of a building or structure which is used for religious worship or related religious activities;

2. The boundary of any residentially zoned land, whether in the city, in an adjoining city or within a residential zone;

3. Any residential use in any zone;

4. Any public park or recreational area or property zoned, planned or otherwise designated for such use, including but not limited to a park, playground, nature trails, swimming pool, athletic field, basketball or tennis courts, or other similar public land;

5. Any public or private educational facility including, but not limited to, child day care facilities, libraries, nursery schools, preschools, kindergartens, elementary schools, private schools, intermediate schools, junior high schools, middle schools, high schools, secondary schools, continuation schools, and special education schools. This category of uses does not include vocational or professional institutions of higher education including, but not limited to, community or junior colleges, colleges, and universities.

The uses and zones set forth in subsection A of this section shall be collectively known as "sensitive uses".

B. An adult business shall not be established or located within seven hundred-fifty (750) feet of another adult business, whether in the city, in an adjoining city or within an unincorporated area.

C. If two (2) or more existing Adult Businesses are located in closer proximity to each other than seven hundred-fifty (750) feet, in determining which of the businesses is nonconforming, preference shall be given in the order of the respective lengths of continuous uninterrupted operation of the businesses.

D. Where two (2) or more adult business applications are submitted for businesses which would be located in closer proximity to each other than seven hundred fifty (750) feet, the application which was accepted first in time shall be processed by the city, with any latter submitted applications deemed incomplete until such time as

a determination is made by the city on the initial application.

E. The locational standards set forth in subsections A through C, inclusive, of this section shall pertain to legally established land uses in adjacent jurisdictions.

F. Each such adult business must, prior to commencement or continuation or substantial enlargement of such business, first apply for and receive an adult business license in accordance with the provisions of Chapter 5.98 of this code. (Ord. 2536 § 4 (part), 2001)

17.76.050 Measurement of distance.

For the purposes of this section, the distance between any two (2) adult businesses shall be measured in a straight line, without regard to the boundaries of the city and to intervening structures, from the nearest portion of the property line of the lot where such adult business is conducted, to the nearest property line of another adult business. The distance between any adult business and any residential use, religious institution, school, public park or other sensitive use shall also be measured in a straight line, without regard to the boundaries of the city and to intervening structures, from the nearest portion of the property line of the lot where such adult business is conducted, to the nearest property line of a residential use, religious institution, school, public park or sensitive use. (Ord. 2536 § 4 (part), 2001)

17.76.060 Misdemeanor offenses.

In addition to all other offenses specified in this chapter, this code and state statutes, an adult business shall be subject to the following restrictions:

A. Notwithstanding that it is not a criminal offense for a person to operate or cause to be operated an adult business to be in violation of the nudity limitation set forth in Chapter 5.98 of this code, it is unlawful and a misdemeanor to establish, substantially enlarge or operate an adult business within the city without first complying with the provisions of this chapter.

B. It is unlawful and a misdemeanor to operate or cause to be operated an adult business outside of the zones specified in this chapter.

C. It is unlawful and a misdemeanor to operate or cause to be operated an adult business in violation of the locational standards set forth in Section 17.76.050 of this chapter.

D. It is unlawful and a misdemeanor to cause or permit the operation, establishment or maintenance of more than one adult business within the same building, structure or portion thereof, or cause the increase of floor area of any adult business in any building, structure or portion thereof containing another adult business.

E. It is unlawful and a misdemeanor to cause or permit the operation, establishment or maintenance of a sex supermarket/sex mini-mall as defined in this chapter. (Ord. 2536 § 4 (part), 2001)

17.76.070 Violations/Penalties.

Any firm, corporation or person, whether as principal, agent, employee or otherwise, violating or causing the violation of any provision of this chapter shall be guilty of a misdemeanor, and any conviction thereof shall be punishable by a fine of not more than one thousand dollars (\$1,000.00) or by imprisonment for not more than six (6) months, or by both such fine and imprisonment. Any violation of the provision of this chapter shall constitute a separate offense for each and every day during which such violation is committed, permitted, caused or continued. (Ord. 2536 § 4 (part), 2001)

17.76.080 Civil injunction.

The violation of any provision of this chapter shall be and is declared to be contrary to the public interest and shall, at the discretion of the city, create a cause of action for injunctive relief. (Ord. 2536 § 4 (part), 2001)

17.76.090 Public nuisance.

In addition to the penalties set forth above, any adult business which is operating in violation of this chapter or any provision thereof, or Chapter 5.98 of this code, or any provision thereof, is declared to constitute a public nuisance and, as such, may be abated or enjoined from further operation. (Ord. 2536 § 4 (part), 2001)

17.76.100 Administrative penalties.

In addition to the civil remedies and criminal penalties set forth above, any person that violates the provisions of this chapter may be subject to administrative penalties, as set forth by city ordinance. (Ord. 2536 § 4 (part), 2001)

17.76.110 Amortization and regulation of nonconforming adult business uses.

A. Establishment of Nonconforming Use. Any adult business which was legally established and lawfully operating prior to December 12, 2000, shall be deemed a nonconforming use, and shall be subject to all provisions of this chapter, except as otherwise provided herein.

B. Amortization. Any use of real property existing on December 12, 2000, which does not conform to the provisions of this chapter, but which was constructed, operated and maintained in compliance with all previous regulations, shall be regarded as a nonconforming use which may be continued until December 12, 2003, after

which time all such nonconforming uses shall be terminated unless an extension of time has been approved by the Planning Services Manager or his/her designee, pursuant to Section 17.76.120 of this chapter.

C. **Abandonment.** Notwithstanding the above, any discontinuance or abandonment of the use of any lot or structure as an adult business for a period of one hundred eighty (180) days shall result in a loss of legal nonconforming status of such use.

D. **Amortization—Annexed Property.** Any adult business which was a legal use at the time of annexation of the property and which is located in the city, but which does not conform to the provisions of this chapter shall be terminated within one year of the date of annexation, unless an extension of time has been approved by the Planning Services Manager, or his/her designee, in accordance with the provisions of Section 17.76.120 of this chapter.

E. **Alteration/Enlargement.** Any nonconforming adult business shall not be increased, enlarged, extended or altered except that the use may be changed to a conforming use.

F. **Conflicting Adult Businesses.** If two (2) or more adult businesses are within seven hundred fifty (750) feet of one another and otherwise in a permissible location, the adult business which was first established and has continually operated at the particular location is the conforming use and the later established business(es) is nonconforming.

G. **Subsequent Approvals.** Any adult business lawfully operating as a conforming use is not rendered a nonconforming use by the location, subsequent to the grant or renewal of an adult business permit and/or license, of a school, public park, religious institution, public building likely to be frequented by minors, residential or other sensitive use within two hundred fifty (250) feet of the adult business. This provision applies only to the renewal of a valid permit and/or license and does not apply when an application for a permit and/or license is submitted after a permit and/or license has expired or has been revoked. (Ord. 2536 § 4 (part), 2001)

17.76.120 Extension of time for termination of nonconforming use.

The owner or operator of a nonconforming use as described in Section 17.76.110(B) or (D) may apply under the provisions of this section to the Planning Services Manager, or his/her designee for an extension of time within which to terminate the nonconforming use, as follows:

A. **Time and Manner of Application.** An application for an extension of time within which to terminate a use

made nonconforming by the provisions of this chapter may be filed by the owner of the real property upon which such use is operated, or by the operator of the use. Such application must be filed with the Planning Services Manager, or his/her designee, at least sixty (60) days but no more than one hundred eighty (180) days prior to the expiration of the time established in Section 17.76.110 for termination of such use.

B. **Content of Application—Fees.** The application shall state the grounds for requesting an extension of time. The filing fee for such application shall be the same as that for a variance as is set forth in the schedule of fees established by resolution from time to time by the City Council. An application which fails to state a basis upon which an extension may be granted, as set forth in subsection D of this section, shall be returned to the applicant, as nonresponsive, together with the application fee less any administrative costs of processing the application.

C. **Hearing procedure.** The Planning Services Manager shall appoint a hearing officer to hear the application. The hearing officer shall set the matter for hearing within twenty (20) business days of receipt of the application. All parties involved shall have the right to offer testimony, documentary and tangible evidence bearing on the issues; may be represented by counsel; and shall have the right to confront and cross-examine witnesses. Any relevant evidence may be admitted that is the sort of evidence upon which reasonable persons are accustomed to rely in the conduct of serious affairs. Any hearing under this section may be continued for a reasonable time for the convenience of a party or a witness. The decision of the hearing officer shall be final and subject to judicial review pursuant to Code of Civil Procedure Section 1094.8.

D. **Approval of Extension—Findings.** An extension under the provisions of this section shall be for a reasonable period of time commensurate with the investment involved, and shall be approved only if the hearing officer makes all of the following findings or such other findings as are required by law.

1. For uses which are rendered nonconforming by virtue of their proximity to other uses, pursuant to Section 17.76.110 and Section 17.76.040:

a. The applicant has made a substantial investment (including but not limited to lease obligations) in the property or structure on or in which the nonconforming use is conducted; such property or structure cannot be readily converted to another use; and such investment was made prior to December 12, 2000, or prior to the date of annexation; and

b. The applicant will be unable to recoup said investment as of the date established for termination of the use; and

c. The applicant has made good faith efforts to recoup the investment and to relocate the use to a location in conformance with Section 17.76.040.

2. For uses which comply with the requirements of Section 17.76.040, but whose business operations must be modified in order to comply with other provisions of this chapter:

a. The applicant has made a substantial investment (including but not limited to lease obligations) in the property or structure on or in which the nonconforming use is conducted; such property or structure on or in which the nonconforming use is conducted; such property or structure cannot be readily converted so as to comply with the requirements of this chapter within the time period provided in Section 17.76.050; and such investment was made prior to December 12, 2000, or prior to the date of annexation; and

b. The applicant will be unable to recoup such investment as of the date established for modification or termination of the use; and

c. The applicant has made good faith efforts to recoup the investment and has filed plans with the city which demonstrate the ability and intent to comply with the requirements of this chapter within a reasonable time, but needs additional time within which to make the required modifications. These findings shall be made with respect to each aspect of compliance, and no extension shall be granted for modifications which are required by this chapter and which can be made without additional time. (Ord. 2536 § 4 (part), 2001)

Chapter 17.78

RECYCLING FACILITIES

Sections:

17.78.010	Purpose.
17.78.020	Definitions.
17.78.030	Permits required.
17.78.040	Criteria and standards.
17.78.050	Nonconforming facilities.
17.78.060	Abatement of facilities.
17.78.070	Appeal of Director's decision.
17.78.080	Notice.
17.78.090	Penalties.
17.78.100	Cumulative effect.

17.78.010 Purpose.

The purpose of this chapter, and any rules, regulations and specifications adopted pursuant thereof is to control and regulate the recycling of reusable materials. (Ord. 2648 § 1 (part), 2005)

17.78.020 Definitions.

As used in this chapter the following words or phrases shall have the meaning specified:

"Administrative permit" means a permit, issued by the Permit Committee, for a reverse vending machine(s) or a smaller collection facility, which complies with the requirements of this chapter.

"Bulk reverse vending machine" means a reverse vending machine that is larger than fifty (50) square feet, is designed to accept more than one container at a time, and will pay by weight instead of by container. A "bulk reverse vending machine" may be permitted in all commercial and industrial zones, subject to the standards enumerated in this chapter and an approved zoning clearance pursuant to Chapter 17.18 of this title.

"Convenience zones" means an area within a two (2) mile radius of a supermarket.

"Director" means the Community Development Director or his or her designee.

"Mobile recycling unit" means an automobile, truck, trailer or van, licensed by the Department of Motor Vehicles, which is used for the collection of recyclable materials. A "mobile recycling unit" also means the bins, boxes or containers transported by trucks, vans, or trailers, and used for the collection of recyclable materials.

"National Pollutant Discharge Elimination System (NPDES)" means the national program for issuing, modifying, revoking and reissuing, terminating, monitoring and enforcing permits, and imposing and enforcing pretreat-

ment requirements, under CWA Section 307, 402, 318, and 405.

"National Pollutant Discharge Elimination System Permit Program" is an enforcement mechanism legislated by the Clean Water Act of 1977.

NPDES permits are issued to municipal and industrial dischargers to ensure that pollutant discharges do not result in violation of water quality standards, EMMC Section 13.20.010.

"Owner" means a person, firm, partnership, corporation, association, or other entity who or which owns, or otherwise exercises possession and control over the recycling facility or the mobile recycling unit, including any officer, employee, or agent of such person, firm, partnership, corporation, association, or entity.

"Planning Services Manager" means the Planning Services Manager or his or her designee.

"Recyclable material" means reusable material including but not limited to, metals, glass, plastic and paper, which are intended for reuse, remanufacture, or reconstitution for the purpose of using the altered form. "Recyclable material" does not include refuse of hazardous materials.

"Recycling facility" means a center for the collection and/or processing of recyclable materials. A certified recycling facility or certified processor means a recycling facility certified by the California Department of Conservation as meeting the requirements of the California Beverage Container Recycling and Litter Act of 1986. A "recycling facility" does not include storage containers or processing activity located on the premises of a residential, commercial, or manufacturing use and used solely for the recycling of material generated by that residential property, business or manufacturer. Recycling facilities may include the following:

1. Collection Facility. A "collection facility" is a center for the acceptance by donation, redemption, or purchase of recyclable materials from the public. Such facility does not include the power-driven processing equipment. Collection facilities may include the following:

a. "Reverse vending machine" means an automated mechanical device which accepts at least one or more types of empty beverage containers including, but not limited to, aluminum cans, glass and plastic bottles, and issues a cash refund or a redeemable credit slip with a value of not less than the container's redemption value as determined by the state. A "reverse vending machine" may sort and process containers mechanically provided that the entire process is enclosed within the machine. In order to accept and temporarily store all three (3) container types in a proportion commensurate with their relative redemption

rates, and meet the requirements of certification as a recycling facility, multiple grouping of reverse vending machines may be necessary.

b. "Small collection facility" means a collection facility, which occupies an area of not more than five hundred (500) square feet, and may include:

i. A mobile recycling unit. Mobile recycling units shall have an area which is clearly marked to prohibit other vehicular parking during times when the mobile unit is scheduled to be present;

ii. Bulk reverse vending machines or a grouping of reverse vending machines occupying more than fifty (50) square feet;

iii. Kiosk-type units, which may include permanent structures;

iv. Unattended containers placed for the donation of recyclable materials.

A "small collection facility" may be permitted in all commercial and industrial zones.

"Supermarket" means a full-service, self-service retail store with gross annual sales of two million dollars (\$2,000,000.00) or more and which sells a line of dry grocery, canned goods, or nonfood items and some perishable items. (Ord. 2648 § 1 (part), 2005)

17.78.030 Permits required.

No person shall permit the placement, construction, or operation of any recycling facility without first obtaining a permit pursuant to the provisions set forth in this chapter. Recycling facilities may be permitted as set forth in the following table:

Type of Facility Required	Zones Permitted	Permit
Reverse vending machine(s)	C and M	Permit Committee
Small collection	C and M	Permit Committee

(Ord. 2648 § 1 (part), 2005)

17.78.040 Criteria and standards.

Those recycling facilities permitted with an administrative permit shall meet all of the applicable criteria and standards listed. The Permit Committee may find that the presence of more than one recycling facility in any convenience zone established by the California State Department of Conservation to be an over-concentration of recycling facilities and on this basis the Permit Committee may deny the permit.

Development standards for recycling facilities are as follows:

A. Reverse Vending Machine(s). Reverse vending machine(s) shall require an administrative permit. Reverse vending machines outside a commercial structure, do not require additional parking spaces for recycling customers and may be permitted within the designated commercial or industrial zone with an administrative use permit provided that they comply with all of the following standards:

1. Shall be established in conjunction with a commercial use or community service facility, which is in compliance with the zoning, building and fire codes;

2. Shall be located within thirty (30) feet of the entrance to the commercial structure and shall not obstruct pedestrian or vehicular circulation; shall be set back at least twenty (20) feet from any street-side property line and shall not obstruct pedestrian or vehicular circulation;

3. Shall not occupy parking spaces required by the primary use;

4. Shall occupy no more than one hundred twenty-five (125) square feet of floor space per installation, including any protective enclosure, and shall be no more than eight (8) feet in height;

5. Shall be constructed and maintained with durable waterproof and rustproof material;

6. Development plans for reverse vending machines shall be submitted to the Planning Services Manager for review and approval prior to installation;

7. Proposals for reverse vending machines shall be submitted to the Planning Services Manager for preliminary review prior to submittal for Permit Committee and shall include, but not be limited to, the following: a plot plan drawn to scale showing the entire site including all existing structures, and parking stalls, perimeter walls, landscape planters and the proposed location of the reverse vending machine; shall conform to the exterior colors/finish and design themes of the host use;

8. Shall be clearly marked to identify the type of material to be deposited, operating instructions and the identity and phone number of the operator or responsible person to call if the machine is inoperative;

9. Shall have a sign area of a maximum of four (4) square feet per machine, exclusive of operating instructions;

10. Shall be limited to one machine per host business;

11. Shall be maintained in a litter-free condition on a daily basis;

12. Shall be illuminated to ensure comfortable and safe operation if operating hours are between dusk and dawn.

B. Small Collection Facilities. Small collection facilities may be sited in commercial and industrial zones

with an administrative permit provided that they comply with all of the following conditions:

1. Shall be established in conjunction with a commercial use or community service facility, which is in compliance with the zoning, building and fire codes;
2. Shall be no larger than five hundred (500) square feet and occupy no more than five (5) parking spaces, not including space that will be periodically needed for removal of materials or exchange of containers; not including space needed for material removal or transfer;
3. Shall be set back at least twenty (20) feet from any street-side property line and shall not obstruct pedestrian or vehicular circulation;
4. Shall accept only glass, metal, plastic containers, papers and cardboard;
5. Shall use no power-drive processing equipment except for reverse vending machines;
6. Development plans for small collection (recycling) facilities shall be submitted to the Planning Services Manager for review and approval prior to submittal to Permit Committee for review and approval. Permit Committee approval, a certificate of occupancy, business license, and a building permit is required prior installation;
7. Proposals for small collection (recycling) facilities shall be submitted to the Planning Services Manager for preliminary review prior to submittal for Permit Committee and shall include, but not be limited to, the following: a plot plan drawn to scale showing the entire site including all existing structures, and parking stalls, perimeter walls, landscape planters and the proposed location of the small (collection) recycling facility; a floor plan drawn to scale of the proposed small recycling facility; elevations of the recycling collection facility with all architectural features as well as building material and finish to which shall conform to the exterior colors/finish and design themes of the host use. Small recycling facilities shall be designed and constructed in a manner to conform to design and development specifications. At a minimum, the facility shall conform to the following design guidelines:
 - a. Height shall not exceed twelve (12) feet,
 - b. Roofing material shall be decorative metal seem or similar material,
 - c. Exterior siding shall be a smooth painted finish and weatherproof,
 - d. Signs shall require a separate sign permit and be professional vinyl letters or similar material;
8. Shall use containers that are clearly marked to identify the type of recyclables to be deposited. The name and telephone number of the owner or manager of the facility shall be conspicuously posted;

9. Shall be covered when site is not attended, secured from unauthorized entry or removal of material, and shall be of a capacity sufficient to accommodate materials collected and collection schedule;

10. Shall store all recyclable materials in containers or in the mobile unit vehicle, and shall not leave materials outside of containers when attendant is not present;

11. Shall store all recyclable materials in containers or mobile recycling units, shall not leave materials outside of containers when attendant is not present and mobile recycling units must be removed from the site when not operating;

12. Shall maintain a dust-free and litter-free condition and shall sweep site on a daily basis.

13. The facility shall not impair the landscaping required for any concurrent use or any permit issued;

14. The facility shall not operate power-driven sorting and consolidating equipment, such as crushers or balers;

15. Use the facility for the deposit of solid waste is not permitted;

16. If permits expire without renewal, the collection facility shall be removed from the site on the date following the permit expiration;

17. Mobile recycling units, at which truck or containers are removed at the end of each collection day, shall be swept at the end of each collection day;

18. Mobile recycling facilities shall have an area clearly marked to prohibit other vehicular parking during the hours when the mobile unit is scheduled to be present; such hours shall be between nine a.m. to seven p.m. if located within one hundred (100) feet of property zoned or occupied for residential use;

19. Shall not exceed noise levels of fifty (50) dBA as measured at the property line of nearest residentially zoned or occupied property;

20. Otherwise, shall not exceed sixty-five (65) dBA as measured at the property line;

21. Shall not be located within one hundred (100) feet of a property zoned or occupied for residential use and shall operate only during the hours between nine a.m. and seven p.m.;

22. Occupation of parking spaces by the facility and by the attendant may not reduce the number of parking spaces below the minimum required for the primary host unless all the following conditions exist:

a. The facility is located in a convenience zone, as designated by the California Department of Conservation;

b. The facility is certified by the California Department of Conservation;

c. The permit will be considered at the end of twelve (12) months; and

d. Parking credits in an established parking facility for a commercial host use may then be granted as follows:

Required Maximum Parking	Parking Space Reduction
0-25	0
26-35	2
36-49	3
50-99	4
100+	5

23. Signs may be provided as follows:

a. Shall have identification signs with a maximum of ten (10) percent on one side only, in addition to the required informational signs; in the case of a mobile recycling unit, the side will be measured from the pavement to the top of the container;

b. Signs must be consistent with the character of the location;

c. Directional signs, bearing no advertising message, may be installed with the approval of the Planning Services Manager if necessary to facilitate traffic circulation, or if the facility is not visible from the public right-of-way;

24. The facility shall not impair any required landscaping by local ordinance for any concurrent use;

25. No additional parking spaces will be required for customers of a small collection facility located at the established parking lot of a host use. One space will be provided for the attendant, if needed;

26. Mobile recycling units shall have an area clearly marked to prohibit other vehicular parking during hours when the mobile unit is scheduled to be present;

27. Shall not occupy parking spaces required by the primary use;

28. To ensure compliance, all improvements required by this section shall be in place prior to the issuance of a certificate of occupancy;

29. Small recycling facility shall comply with National Pollutant Discharge Elimination System Permit Program requirements. (Ord. 2648 § 1 (part), 2005)

17.78.050 Nonconforming facilities.

Recycling facilities which are lawfully in existence at the time of adoption of the ordinance codified in this chapter and which are not in compliance are considered nonconforming. Existing and new facilities shall have obtained a building permit within one hundred eighty (180) days at the time the ordinance codified in this chapter becomes law. (Ord. 2648 § 1 (part), 2005)

17.78.060 Abatement of facilities.

A. Whenever the Community Development Department Director is advised that a recycling facility has been installed or is being maintained in violation of this chapter, the Director shall so notify the person in whose name the recycling facility is registered, or in the absence of such registration, the property owner. Such notice shall state the nature of the violation, the intention to impound the facility if the violation is not corrected or a hearing is not requested before the Director, within seven (7) calendar days after the giving of such notice, and provide the procedure for requesting such a hearing. A timely request for a hearing shall stay any impounding, provided that if the violation is not corrected within five (5) calendar days after the decision at such hearing becomes final, the Director may impound the recycling facility in accordance with subsection B of this section.

B. Whenever a recycling facility is impounded pursuant to subsection A of this section, the recycling facility shall be removed by the Director, and stored in any convenient place. The Director shall notify the owner or property owner thereof by mailing a "notice of removal" to the last known address. Such notice shall state the date the facility was removed, the reasons therefor, the location and procedure for claiming the facility and the procedure for obtaining a post-removal hearing before the Director if desired. Any such recycling facility removed and stored pursuant to these provisions shall be released to the owner thereof if claimed within forty-five (45) calendar days after such removal and upon the payment of reasonable charges of removal and storage therefor. Upon failure of the owner to claim such recycling facility and pay the reasonable charges within forty-five (45) calendar days after the mailing of written notice of removal, such recycling facility shall be deemed to be unclaimed property in the possession of the city and may be disposed of at the discretion of the city.

C. Any recycling facility in violation of the provisions of this chapter, which violation creates an immediate danger to the health or safety of the public, and which violation cannot be corrected by moving or otherwise repositioning the recycling facility, may be immediately removed and stored in a convenient location so as to eliminate the danger to the health or safety of the public. The Director shall notify the owner or property owner thereof by mailing a "notice of removal" to the last known address. Such notice shall state the date the facility was removed, the reasons therefor, the location and procedure for claiming the facility, and the procedure for obtaining a post-removal hearing before the Director, if desired. Any such facility removed and stored pursuant to this section

shall be released to the owner thereof, if claimed within forty-five (45) calendar days after the mailing of written notice of removal and upon the payment of reasonable charges of removal and storage. Upon failure of the owner to claim such facility and pay the reasonable charges within the forty-five (45) calendar day period, such facility shall be deemed to be unclaimed property in possession of the city and may be disposed of.

D. Within seven (7) calendar days of the notice of violation, or notice of removal of a facility summarily impounded, the person in whose name the facility is registered, if such registration has been completed or other person who provides satisfactory proof of ownership, may request a hearing before the Director. The request shall be in writing, shall state the basis thereof, and shall be filed with the Director.

E. The hearing shall be held within five (5) business days of the filing of the request, unless continued for good cause. At the hearing, any person may present evidence or argument as to whether the facility has violated this chapter. Within two (2) working days after the close of the hearing, the Director shall render a decision in writing. Notice of the decision shall forthwith be given to the person who requested the hearing. (Ord. 2648 § 1 (part), 2005)

17.78.070 Appeal of Director's decision.

A. The owner may appeal a decision of the Director to the Planning Commission by filing with the Planning Division Secretary a written notice of appeal with respect to such decision within ten (10) calendar days after completion of service of such order of the Commission. The written notice of appeal shall be submitted on a form provided to the applicant by the Planning Division Secretary and shall contain the following information:

1. The name, address, and telephone number of the person filing the appeal and the name, address and telephone number of the owner(s);

2. A brief description regarding the applicant's reason for seeking an appeal of the decision of the Director including, if applicable, a brief specification of the contents of the decision of the Director which the applicant contends are inaccurate, unduly burdensome, or unlawful;

3. A brief description of the manner in which the owner proposes to resolve any deficiencies in the recycling facilities, if any, including a time schedule for resolving such problems, if applicable;

4. Any other relevant information which the applicant may wish to provide to the Planning Commission for its consideration including photographs of the recycling facility or other materials;

5. A written notice of appeal shall be accompanied by the following declaration attested by the applicant:

I declare under penalty of perjury that the factual information contained in the foregoing written Notice of Appeal is true and correct to the best of my knowledge or is based upon information which I believe to be true and correct. I further declare that each and every opinion stated in this Notice of Appeal is stated in good faith.

6. A filing fee of fifty dollars (\$50.00) payable to the city shall be submitted to the Planning Division Secretary upon the filing of a written notice of appeal.

B. Consideration by the Planning Commission of an Appeal from the Decision of the Director. Appeals shall be reviewed as a regular agenda item. The filing of a written notice of appeal shall stay the effect of the decision of the Director. Upon review of a written notice of appeal, the Planning Commission may by minute order or by resolution deny the appeal, affirm the decision of the Director and reinstate the effective date thereof, or the Planning Commission may set a date for a public hearing on such appeal for the purpose of receiving additional evidence or testimony which is not included in the record of the proceedings of the Director or the written notice of appeal. Notice of such a public hearing shall be transmitted to the person whose name appears on the notice of appeal. The public hearing on the appeal shall be conducted at a regular or adjourned regular meeting of the Planning Commission on a date for which a special meeting has been ordered for consideration of such a matter and the Planning Commission may continue such public hearing from time to time. Upon the close of the public hearing regarding the appeal, the City Council may modify or affirm the decision of the Director and reinstate or modify the effective date thereof. The decision of the Planning Commission with respect to the disposition of a written notice of appeal or any action ordered following a public hearing thereon shall be final and conclusive. In the event that the decision of the Director may be reversed or modified by the Planning Commission, the Planning Commission may authorize the refund to the applicant of the filing fee which accompanied the written notice of appeal. (Ord. 2648 § 1 (part), 2005)

17.78.080 Notice.

Any notices or written communications which are required by this chapter shall be conclusively deemed received by the owner on the date of personal service or five (5) consecutive days following deposit of the same in the

United States mail, certified and properly addressed. All notices shall be sent to the owner's last known address. In the event the owner's contact information changes, owner shall provide the Director an update within three (3) business days. (Ord. 2648 § 1 (part), 2005)

17.78.090 Penalties.

A. Any owner who violates the provisions of this chapter is guilty of a misdemeanor and, upon conviction thereof, is punishable as set forth in Section 1.24.010(A) of this code.

B. In lieu of criminal prosecution pursuant to subsection A of this section, an administrative citation may, at the sole discretion of the Director be issued for violation of this chapter. All administrative citations issued pursuant to this subsection shall comply with the requirements of Chapter 1.18 of this code.

C. Any recipient of an administrative citation may contest an alleged violation of this chapter pursuant to Chapter 1.18 of this code. (Ord. 2648 § 1 (part), 2005)

17.78.100 Cumulative effect.

The provisions of this chapter are cumulative in addition to any and all other procedures or remedies provided in ordinances of the city or by state law for the abatement of, or prosecutions for, nuisances, and proceedings for abatement pursuant to this chapter shall not prejudice nor affect any other action, whether civil, criminal, equitable or administrative, for the abatement or other remedy of such conditions. Without limitation upon the foregoing, violations of the provisions of this chapter shall be, and are, enforceable under the provisions of Chapter 1.18 (Administrative Citations) of this code. Nothing contained in this chapter shall be deemed to invalidate, supersede, or render ineffective any other provision of this code or any ordinance of this city. Neither the inclusion nor the failure to include, under the terms of this chapter, any act or condition otherwise in violation of any provision of this code or other ordinance of this city, unlawful or constituting a nuisance, shall be deemed to render such act or condition lawful. (Ord. 2648 § 1 (part), 2005)

Chapter 17.80

SP-1 (TRANSIT VILLAGE SPECIFIC PLAN)

Sections:

17.80.010 Adoption.

17.80.010 Adoption.

A. The City Council makes the following findings with respect to the adoption of the El Monte transit village specific plan:

1. The property proposed to be included in the specific plan area has site characteristics such as topography, location, or surroundings that are enhanced by special land use and development standards. The site has several unique characteristics. It is bounded by Santa Anita Avenue, Interstate 10, and the Rio Hondo Channel and is physically distinct from surrounding areas. There are no private residences or business that must be relocated. In addition, there is a major regional bus station at the center of the site. The site will support high-density, mixed-use, transit-oriented development that is not currently allowed in the El Monte Municipal Code.

2. The El Monte transit village specific plan contains revisions which are consistent with the goals, policies, and vision of the 1991 city general plan as amended by this chapter. The land use element of the general plan designates the specific plan site as an "urban core" use. With the concurrent adoption of a proposed general plan amendment addressing conforming development standards in the general plan to those contained in the specific plan, the specific plan is consistent with the general plan.

3. The implementation of the specific plan shall result in development of desirable character and use types that will be compatible with existing and proposed development in the surrounding neighborhood and that will promote higher rates of public mass transit utilization by city residents. The mixed-use nature of the specific plan area, including the location of street level retail and institutional uses on the west side of Santa Anita Avenue, is compatible with similar uses located on the east side of Santa Anita.

4. The implementation of the specific plan shall contribute to a balance of land uses throughout the city. Due to the mixed-use nature of the specific plan area, various uses, including residential, institutional, retail, commercial, entertainment, hotel, public open space, institutional, and public mass transit uses are incorporated into a master planned village environment, providing a balance on the site.

5. Furthermore, the adoption and implementation of the specific plan shall promote comprehensive planning for quality land development, with a viable program for building the infrastructure necessary to support it; it encourages a more efficient use of the land; it encourages a range of housing and employment activities so as to give imagination and variety in the physical development pattern of the city; it encourages the implementation of sustainable community design principles as well as use of renewable construction materials and incorporation of environmentally friendly design concepts; and it facilitates development within the city in accordance with the general plan by permitting greater flexibility and encouraging more creative design development projects.

B. The City Council approves the El Monte transit village specific plan in the form of the July 20, 2007 draft text of the specific plan as submitted to the Planning Commission, as such July 20, 2007 draft text is modified by the other sections of this chapter, subject to further modifications to the July 20, 2007 draft text of the specific plan as set forth in subsection C below.

C. The City Council notes that supplemental motions of the recommendation of the Planning Commission require the City Council to approve certain technical further amendments to the July 20, 2007 draft text of the specific plan as noted below in this subsection:

1. In light of Planning Commission supplemental motion number 1, the City Council approves:

a. The editorial revisions to specific plan Table 4-1 (page 4-2 of the specific plan);

b. The editorial revision to specific plan Map 4-2;

c. The editorial revisions to specific plan Table 4-2 (at pages 4-8 and 4-9 of the specific plan); and

d. The editorial revisions to specific plan Section 4.1.2.E (at page 4-10 of the specific plan), all as set forth in the July 20, 2007 draft text of the specific plan.

2. The City Council does not accept the recommendation of the Planning Commission under its supplemental motion number 2, and the City Council reinstates and approves the text of the July 20, 2007 draft text of the specific plan as relates to this item in the form as originally submitted to the Planning Commission.

3. The City Council does not accept the portion of the recommendation of the Planning Commission under its supplemental motion number 3 as relates to a sixty (60) dwelling-unit-per-acre density calculation, and the City Council reinstates and approves the text of the July 20, 2007 draft text of the specific plan as relates to this item in the form as originally submitted to the Planning Commission.

4. The City Council does not accept the recommendation of the Planning Commission supplemental motion number 4, and the City Council modifies Section 6.18.B the text of the July 20, 2007 draft text of the specific plan to read as follows:

(B) Establishment of Specific Plan Conformity Review Committee for the Specific Plan.

Upon adoption of this Specific Plan, the City of El Monte shall form a Specific Plan Conformity Review Committee ("CRC") for the purpose of reviewing each subsequent development project proposal within the boundaries of the Specific Plan area. The CRC shall consist of five (5) members appointed as follows:

- Two (2) members of the Planning Commission shall be appointed to the CRC by the City Council as the regular members of the CRC, plus two (2) other members of the Planning Commission shall be appointed by the City Council to serve as alternate members of the CRC in the event of the absence of one or more of the regular members of the CRC appointed by the City Council;
- The City Manager shall designate one (1) member to serve on the CRC;
- The Deputy City Manager for Community Development shall designate one (1) member to serve on the CRC;
- The Redevelopment Director shall designate one (1) member to serve on the CRC.

At the discretion of the City Council, ex officio members may be appointed to the CRC from time-to-time for the purpose of providing additional guidance to the CRC. All meetings of the CRC shall be open to the public and shall adhere to the Brown Act. Upon the completion of its review, the CRC shall submit its recommendation and written report for each development project proposal to the Planning Commission. Voting procedures of the CRC for the purpose of submitting a recommendation of approval to the Planning Commission for each development project application shall be

unanimous vote of the members of the CRC participating.

1. Duties of the CRC.

Subsequent to the adoption of the Specific Plan. The CRC shall be granted the authority to review individual development applications to ensure consistency with the standards and guidelines expressed in this Specific Plan.

2. Review of Development Project Applications by the CRC.

The CRC shall be granted the authority to make a recommendation to the Planning Commission that the design concept each individual development project application meets the spirit and intent of the Specific Plan.

3. Action by CRC.

No recommendation for approval of a development project application may be issued by the CRC except by the majority vote of the members of the CRC. If any development project application reviewed by the CRC is not recommended for approval by majority vote of the members of the CRC, then such development project application shall be forwarded to the Planning Commission for action and consideration without a recommendation for approval by the CRC. If a development project application is not recommended for approval by a majority vote of the CRC then the members of the CRC shall prepare a written report addressed to the applicant and the Planning Commission which sets forth the reasons the CRC does not recommend the approval of the particular development project permit application.

4. Development project application filing, processing and review. Each development project application for any development project to be undertaken within the Specific Plan area shall be reviewed by the CRC, and following such review by the CRC, by the

Planning Commission, using the same procedure as set forth in Chapter 16, Chapter 17.22 and Chapter 17.24, as applicable, of the El Monte Municipal Code.

5. The recommendation of the CRC as submitted to the Planning Commission with regard to each development project application is advisory in nature and is subject to the independent review of the Planning Commission.

5. In light of Planning Commission supplemental motion number 5, the City Council notes that the July 20, 2007 draft text of the specific plan has been edited to eliminate the "minor CUP procedure," and accordingly, the City Council approves Table 6-1 of the July 20, 2007 draft text of the specific plan as Table 6-1 of the specific plan.

6. In light of Planning Commission supplemental motion number 6, the City Council notes that the July 20, 2007 draft text of the specific plan (at pages 2-1 through 2-3), includes a statement of the objectives of the specific plan, and accordingly, the City Council approves Section 2.1 of the July 20, 2007 draft text of the specific plan as Section 2.1 of the specific plan.

7. In light of Planning Commission supplemental motion number 7, the City Council notes the specific provisions of the general plan amendment as set forth in Section 4(c)(2) of the ordinance codified in this chapter and the final text of Section 4.1.1.F, of the specific plan as approved by the city under Section 6(c)(3)(B) of the ordinance codified in this chapter.

8. In light of Planning Commission supplemental motion number 8, the City Council modifies Section 6.18.D of the July 20, 2007 draft text of the specific plan to add a new first sentence to Section 6.18.D to read as follows:

Prior to the submission by an applicant of a development project permit application to the City, the applicant shall conduct intrusive soil testing and sampling (a "Phase II environmental assessment") of the development project site proposed to be improved under such development project permit application, to preliminarily assess whether contaminating or hazardous substances or petroleum product residual compounds may be present in the soils at concentrations in excess of applicable maximum contamination levels for each such contaminating or hazardous substances or petroleum product compound and the results of such a Phase II environmental assessment shall be delivered to the City

by the applicant as part of each development project permit application.

The City Council further amends the first sentence of Section 6.18.D of the July 20, 2007 draft text of the specific plan to read as follows:

Prior to the issuance of any grading or building permit for any portion of the lands included within the Specific Plan area, including lands within the Parks and Open Space Sub District, an applicant shall submit a further written plan to the City for conducting a Phase II environmental assessment of the lands proposed for development consistent with the findings set forth in PEIR Appendix 8 and ASTM guidelines and any specific findings obtained as a result of the initial Phase II environmental assessment described in the first sentence of this Section 6.18.D.

As modified by Section 6(c)(8)(B) of the ordinance codified in this chapter, the City Council approves Section 6.18.D of the specific plan.

9. In light of Planning Commission supplemental motion number 9, the City Council notes that Chapter 5 of the July 20, 2007 draft text of the specific plan contains the edits which are referred to in the July 30, 2007 City Planning Division staff report. The City Council further notes that adoption of the final text of Chapter 5 of the specific plan (Design Guidelines) shall be accomplished by approval of a separate resolution of the City Council following the adoption of this chapter which shall incorporate certain additional technical and conforming revisions to Chapter 5 of the specific plan as recommended by the city staff to the City Council after July 30, 2007.

10. In light of Planning Commission supplemental motion number 10, the City Council notes that the CEQA errata sheet for the FEIR as approved by the City Council at the public hearing preceeding the adoption of this chapter, corrects the misstatement contained in draft PEIR Section 3.2.3.3 (fire station relocation). The City Council adds a new Section 7.11 to the specific plan to read as follows:

7.11 City Fire Station No. 166

In the event that the use or development of the Park and Open Space Sub District by the City or the Agency may require the relocation of the fire suppression and emergency rescue service operations at City Fire Station No. 166 to a new location, either inside the Specific Plan

area or outside of the Specific Plan area, no such relocation of fire suppression and emergency rescue service operations and/or a change in the use of the existing fire station building at City Fire Station No. 166 shall occur until such time as both: (i) a new location for City Fire Station No. 166 operations has been approved by the City Council, in consultation with Los Angeles County Consolidated Fire Protection District following a public hearing, and (ii) a new fire suppression and emergency rescue facility for City Fire Station No. 166 is fully operational and available for occupying by the fire department at its new location.

11. In light of Planning Commission supplemental motion number 11, the City Council adds a new Section 7.12 to the Specific Plan to read as follows:

7.12 City Public Works Yard

The development and use of the Rio Paseo Village within the Mixed Use Sub District for transit oriented development will require the relocation of the City Public Works Yard from its current location on Santa Anita Avenue to a new location either inside the Specific Plan area or outside of the Specific Plan area. No such relocation shall occur of the City Public Works Yard operations shall occur until such time as both: (i) a new location for the City Public Works Yard operation has been approved by the City Council following a public hearing and (ii) City Public Works Yard operations facilities are available for occupancy by the City at the new location by the City.

12. The City Council does not accept the recommendation of the Planning Commission under its supplemental motion number 12, and the City Council reinstates and approves the text of the July 20, 2007 draft text of the specific plan as relates to this item in the form as originally submitted to the Planning Commission.

13. In light of Planning Commission supplemental motion number 13, the City Council approves a modification of specific plan Map 4-2, to indicate that the proposed "linear public park area" be depicted on specific plan Map 4-2 as being included within the parks and open space subdistrict, and that such linear public park area as depicted on specific plan Map 4-2 have an approximate land area of one and eighty-four hundredths (1.84) acres.

14. The City Council does not accept the recommendation of the Planning Commission under its supplemental motion number 14, and the City Council adds a new Section 6.12.C.2.1 to the specific plan to read as follows:

2.1 Residential Dwelling Unit Minimum Size

Minimum interior building areas for residential dwelling units shall be as follows:

- (i) studio unit not less than 500 sq. feet;
- (ii) senior unit (age covenant restricted) not less than 500 sq. feet;
- (iii) one (1) bedroom: not less than 600 sq. feet;
- (iv) two (2) bedroom: not less than 750 sq. feet;
- (v) three (3) bedrooms: not less than 1,100 sq. feet.

(15) In light of Planning Commission supplemental motion number 15, the City Council notes that the July 20, 2007 draft text of the specific plan contains the automotive related use CUP provision as recommended by the Planning Commission.

(16) The City Council does not accept the recommendation of the Planning Commission under its supplemental motion number 16, and the City Council reinstates and approves the text of the mitigation monitoring and reporting program as relates to this item in the form as originally submitted to the Planning Commission on July 30, 2007.

D. The provisions of Chapter 5 of the specific plan, as approved, shall not be further implemented following the adoption of this chapter until such time as the City Council has adopted a separate Resolution ratifying and approving the final technical and conforming changes to the text of Chapter 5 of the specific plan as approved upon the adoption of this chapter. Following the adoption of such a resolution by the City Council, Chapter 5 may be amended from time to time following applicable notice and public hearing by the Planning Commission and the City Council.

E. Within thirty (30) days following the introduction and adoption of this chapter, the Planning Services Manager shall cause the text of the July 20, 2007 draft text of the specific plan to be revised to contain the appropriate final edits as mandated by this chapter. The Planning Services Manager shall add an appropriate editorial note on the cover page of the specific plan that states that the printed text of the specific plan as on file with the city as the official final version of such document includes the textual revisions as mandated by this chapter. (Ord. 2703 § 6, 2007)

Do Not File...

Insert

18 Franchises

Tab Here



Title 18

FRANCHISES

Chapters:

18.04 General Utilities

18.08 Cable Television Franchises

18.12 Solid Waste Handling Franchises

Chapter 18.04

GENERAL UTILITIES

Sections:

18.04.010 Rules and regulations.

18.04.010 Rules and regulations.

Every franchise hereafter granted by the city to erect or lay telegraph or telephone wires, to lay pipes, pipe lines or conduits for the purpose of carrying gas, gasoline, oil, water or steam, to erect poles or wires for transmitting electricity for light, heat or power, or to exercise any similar privilege, along or upon any street in the city and to operate and maintain the same, shall be granted upon and subject to the following rules, regulations, restrictions, terms and conditions, in addition to the rules, regulations, terms and conditions set out in the ordinance granting each such franchise:

A. Conditions. All franchises for the laying, constructing, operating and maintaining of oil, gas, gasoline, steam or water pipe line systems; and for the constructing, operating and maintaining of conduits or pole lines for the transmission of electricity for power and light, shall be granted subject to all the terms and conditions prescribed in this chapter.

B. Acceptance. The franchise will be granted and shall be held and enjoyed upon the terms and conditions herein contained, and contained in the ordinance granting the same, and the grantee must, within thirty (30) days after the passage of the ordinance granting the franchise, file with the Clerk of the Council a written acceptance of the terms and conditions set out herein and in said ordinance.

C. Grantee Defined. The term "grantee" whenever used herein and in such ordinance shall be held to include the person to whom the franchise is awarded and granted by the Council, and his successors and assigns.

D. Excavation Permit. The grantee shall not commence the work of constructing, erecting or excavating for the purpose of laying any pipes, conduits or other appliances along any street, until it shall have first obtained a permit from the Council so to do, by making application for that purpose in accordance with the provisions of this code regulating excavations and requiring permits for the doing of such work.

E. Materials. All poles, pole lines, wires, pipes or pipe lines, traps, manholes, attachments and appliances constructed, or maintained under the provisions of the franchise shall be constructed and maintained in accordance and conformity with all of the provisions of this code and the rules and regulations now or hereafter

adopted or prescribed by the Council and shall be of first-class material and subject to the approval of the Council.

F. Travel. The work of laying or repairing all pipes, pipe lines, conduits, traps, manholes, attachments and appliances shall be conducted with the least possible hindrance to the use of the streets for purposes of travel, and as soon as the laying, constructing, erecting or repairing of any pipe, pipe line, conduit, trap, manhole, attachment or appliance is completed, all portions of the street which have been excavated or otherwise injured thereby shall be placed in as good condition as the same was before the laying, constructing, erecting or repairing of any pipe, pipe line, conduit, trap, manhole, attachment or appliance, to the satisfaction of the Council, and any damage or injury suffered by any person by reason of any excavation, or obstruction being improperly guarded during said work, or the failure of grantee to make the fill properly, shall be borne by the grantee of the franchise.

G. Change of Grade. The City reserves the right to change the grade of any street over which the franchise is granted, and the grantee, at his or her own expense, shall within thirty (30) days after written notice and request so to do, change the location of all poles, pole lines, wires, pipes, pipe lines, conduits, traps, manholes, appliances and attachments laid, constructed, or erected thereunder, so as to conform to such change of grade.

H. Street Width. The city reserves the right to change the width of any street over which the franchise is granted and the grantee, shall at his or her own expense, within thirty (30) days after written notice and request so to do, change the location of all poles, pole lines, wires, pipes, pipe lines, conduits, traps, manholes, appliances and attachments laid, constructed, or erected under the franchise, to a corresponding position relative to the newly established property line, to be approved by the Council.

I. Street Location. The city reserves the right to alter or change the location of any street over which the franchise is granted, and the grantee shall, at his or her own expense, within thirty (30) days after written notice and request so to do, change the location of all poles, pole lines, wires, pipes, pipe lines, conduits, traps, manholes, appliances and attachments laid, constructed or erected under the franchise, to a position in the street as relocated, to be approved by the Council.

J. Location. The city reserves the right to lay, construct and maintain subsurface improvements of any type or description within the street over which the franchise is granted. If the necessary location of such subsurface improvements conflicts with the poles, pole lines, wire, pipe, pipe lines, conduits, traps, manholes, appliance-

es and attachments laid, constructed or erected under the franchise, whether previously laid or not, the grantee of such franchise, shall at his own expense, within thirty (30) days after written notice and request so to do, change the location of all poles, pole lines, wires, pipes, pipe lines, conduits, traps, manholes, appliances and attachments so conflicting with such subsurface improvements, to a location in said highway to be approved by the Council.

K. Street Improvements. The city reserves the right to improve the surface of any street over which the franchise is granted, and the grantee shall at his own expense, within thirty (30) days after receiving written notice of the intention of the grantor to improve any street within the territory covered by the franchise, and the request so to do by said grantor, commence and diligently prosecute to completion the work of laying, constructing the pipes, pipe lines, conduits, together with all traps, manholes, attachments and appurtenances necessary thereto, to be located beneath the ground, as shall be necessary or convenient to serve all factories, dwelling houses, buildings or other structures and the improvements thereof located on property adjacent to or which are to be served from said pipes, pipe lines, or conduits located in, under or upon said street which is about to be improved, and after the completion of said street improvements by the grantor, the right of grantee to lay or construct pipes, pipe lines, traps, manholes, attachments or other appurtenances, in, under or through said improved street or portion of such street under any franchise granted under the terms and conditions hereof, shall cease and terminate, providing that the grantee shall still have the right to lay or construct pipes, pipe lines, conduits, traps, manholes, attachments and appurtenances, in, under or through said improved street where the laying or construction of which will not directly, indirectly or consequentially disturb the service of said improved street, but not otherwise, and provided further, that nothing in this section shall be construed to prevent the grantee from operating, maintaining and repairing such pipes, pipe lines, conduits, traps, manholes, attachments and appurtenances as shall have been laid or constructed in accordance with the terms and conditions of the franchise under which they were laid or constructed.

L. Damage. If any portion of any street shall be damaged by reason of breaks or leaks in any pipes or other appliances laid or constructed under the franchise, the grantee shall, at its own expense, repair any such damage and put such street in as good condition as it was in before such break or leak, to the satisfaction of the Council. If grantee shall fail to comply with any instructions of the Council with respect to the location or reloca-

tion of any of said poles, pole lines, wires, pipes, pipe lines, traps, manholes, appliances or attachments, or the repair of any damage to street within ten days after the service of written notice upon the grantee requiring compliance therewith, then the Council may immediately do whatever work is necessary to carry out said instructions at the cost and expense of the grantee, which cost, by the acceptance of the franchise, the grantee agrees to pay upon demand.

M. Reports. On the first day of July and January of each year after the date of the granting of said franchise, unless all pipes and conduits authorized by such franchise shall have been constructed, the grantee shall render a statement to the city showing in detail the permits issued for the construction of pipes and the total length of pipe lines for the construction of which under the terms of the franchise permits have been taken out during the preceding six (6) months, and if the total length of pipe lines actually laid during said six (6) months is less than that permitted under the permits issued, such statement shall in addition to the above, show in detail the total length of pipe lines actually laid under said permits, and in either event the grantee shall accompany said report with the payment due the city as specified in each franchise. Any other semiannual payment stipulated in any franchise for the privilege of using the public streets in addition to the percentage of the gross receipts, shall be paid at the same time and with such reports. The grantee shall also, within thirty (30) days after the granting of the franchise, file with the Council a detailed statement showing the location and length in lineal feet of all pipe lines constructed by it on any public street described in the franchise and for which no franchise has been obtained, if any such there be, and shall accompany such statement with the payment due the city as specified in said franchise.

N. Maps. The grantee shall also file with the Council on or about the fifteenth day of January of each year, during the life of the franchise, a map or sets of maps each drawn to a scale of not less than six hundred (600) feet to one inch, showing in detail the exact location and size of all mains, laterals and service pipes installed beneath the surface of the streets therein described, belonging to, used by, or under the control of such grantee, or the successors or assigns. Whenever any pipe, conduit, tunnel, or other structure located under the surface of said highway is abandoned, the grantee shall, within thirty (30) days after such abandonment, file with the Council a statement in writing, giving in detail the location of the pipe, conduit, tunnel or other structure so abandoned. The map or set of maps filed pursuant to the provisions of this section shall show in detail the location of all such

pipes, conduits, tunnels or other structures which shall have been laid, constructed or abandoned subsequent to the filing of the last preceding map or set of maps. Each map shall be accompanied by an affidavit endorsed thereon, subscribed and sworn to by the grantee, verifying its correctness.

O. Assignment. The grantee shall not sell, transfer or assign or lease the franchise or privileges granted thereby, except with the consent of the Council; and such sale, transfer, assignment or lease shall be made only by a duly executed instrument in writing filed in the office of the Council; and nothing in the franchise contained shall be construed to grant to said grantee any right to sell, transfer or assign or lease said franchise, or any of the rights or privileges thereby granted, except in the manner aforesaid.

P. Franchise Value. The grantee of the franchise, by accepting the conditions thereof, stipulates and agrees that in any proceedings for the purpose of regulating the rates of the grantee no greater value shall be placed upon the franchise than the actual cash paid therefor by the grantee, and any violation of this provision shall ipso facto work a forfeiture thereof and render the franchise null and void, provided that in calculating the value of the franchise the original purchase price paid at the time the franchise is sold and the total amount of mileage then paid at the rate hereinafter mentioned for the particular franchise granted shall be considered the purchase price.

Q. Payments. That the grantee shall, during the life of the franchise, pay to the city in lawful money of the United States, the two (2) percent of the gross annual receipts of such grantee arising from the use, operation or possession of said franchise, as required by law. No percentage shall be paid for the first five years succeeding the date of the franchise, unless such exemption from payment is waived by grantee, but thereafter such percentage shall be payable annually as provided in this chapter.

R. Filing of Statement. It shall be the duty of the grantee of the franchise to file with the City Clerk at the expiration of six (6) years from the date of the granting of the franchise, or at the option of the grantee of the franchise at any time after the expiration of five (5) years and before the expiration of six (6) years after the granting of the franchise, and at the expiration of each and every year after the first statement shall have been filed, a statement verified by the oath of the grantee, or by the oath of the manager or presiding officer of the grantee, showing in detail the total gross receipts and gross earnings collected or received by the grantee during the preceding twelve (12) months (provided that in the event the grantee has exercised the option above referred to the

first statement shall cover the period which has elapsed between the expiration of the fifth year after the granting of said franchise and the date of filing of said first statement) from the furnishing, transportation and distribution of water, oil, gas, gasoline or other hydrocarbon substances, through any part of the system for the construction and operation of which the franchise is granted, and within ten (10) days from the time of filing of said statement it shall be the duty of the grantee to pay to the City Treasurer in lawful money of the United States two (2) percent of the gross receipts arising from the use, operation and possession of said franchise during the term covered by said statement, and if the amount paid is incorrect in the judgment of the Council they may order the payment of such additional sum as they may find due thereunder, and if not paid the same may be collected by suit.

1. Forfeiture for Violation. Any neglect, omission or refusal by said grantee to file said verified statement or to pay said percentage of said gross annual receipts at the time or in the manner herein provided, shall ipso facto work the forfeiture of the franchise and all rights thereunder to the city.

S. Construction. Such franchise shall be granted upon each and every condition contained herein, and in the ordinance granting the same and shall ever be strictly construed against the grantee. Nothing shall pass thereby unless it be granted in plain and unambiguous terms. Each of said conditions is a material and essential condition to the granting of the franchise. Any neglect, failure or refusal to comply with any of the conditions of the franchise shall thereupon immediately and ipso facto effect a forfeiture thereof, and the Council may thereupon declare the franchise forfeited and may exclude the grantee from the further use of said streets and said territory thereunder. The grantee shall thereupon and immediately surrender all right in and to the same, and the franchise shall be deemed and shall remain null and void and of no effect.

T. Eminent Domain. The grantor or any municipal corporation now existing or hereafter formed shall have the right at any time after five (5) years from the taking effect of the ordinance granting the franchise, to acquire the works, property and rights of the grantee, or any portion thereof, constructed, acquired or operated under the franchise upon making reasonable compensation therefor.

U. Bond. The franchise shall be granted upon the further condition that the grantee shall at all times during the life of the franchise keep on file with the Council a bond running to said city in the penal sum of one thousand dollars (\$1,000.00), with at least two (2) good and

sufficient sureties, to be approved by the Council, conditioned that said bidder shall well and truly observe, fulfill and perform each and every term and condition of the franchise, and that in case of any breach of condition of said bond the whole amount of the penal sum therein named shall be taken and deemed to be liquidated damages, and shall be recovered from the principal and sureties upon said bond. If said bond be not so filed, the award of the franchise will be set aside, and any money paid therefor will be forfeited. In the event that said bond after it has been so filed shall, at any time during the life of the franchise, become insufficient, the grantee of the franchise, by accepting the terms and conditions thereof, agrees to renew said bond with good and sufficient sureties within ten (10) days after written notice so to do from the Council.

V. Water Pipe Lines. All franchises for the laying, constructing, operating and maintaining of water pipe lines shall be granted subject to the following terms and conditions in addition to those provided under the preceding section of this chapter.

W. Depth. Every pipe line laid or maintained under the franchise shall be laid not less than two (2) feet underground, and unless the Council shall otherwise direct, shall be laid along the sides of the streets and shall be within fifteen (15) feet from the property line in all streets sixty (60) feet or less in width and within five (5) feet of the curb line in all other streets.

X. Connections. The grantee shall have the right, during said period, subject to the terms hereof, to make connections with all property adjoining said streets or any of them, and to furnish and distribute water through said pipes and pipe lines to all the territory adjacent to said pipelines for domestic, irrigation and all other proper and necessary uses, and to collect rents, tolls and charges for the water so furnished said territory.

Y. Electricity. Any franchise for the laying, constructing, erecting and maintaining of pole lines or wires, or poles or wires for the transmission of electricity for light, heat or power shall be granted subject to the following general terms and conditions in addition to those provided in the sections of this chapter establishing rules and regulations.

Z. Franchise Rights. The grantee shall have the right during the period for which the franchise is granted to erect, lay, construct, maintain and operate, poles, towers, cross arms, conduits, cables, wires and other applications for the purpose of transmitting and distributing electric energy to be used for lighting, heating and power purposes; provided that no part of said system or the appliances or the attachments thereof shall be so located as to interfere with the use of the street for traveling.

AA. Equipment—Quality and Location. All poles, towers, cross arms, conduits, cables, wires and other appliances shall be of modern type and of the best quality, and all work done in the construction thereof shall be done in a good and workmanlike manner, and that no wire extending along any street shall be placed at a distance of less than twenty (20) feet from the surface of said street; and no wire extending across any street shall be placed at a distance less than twenty-five (25) feet above the surface thereof; that all wires shall be properly insulated and protected by guard wires wherever the Council of said city shall deem it necessary; that all poles to be erected and maintained under the franchise shall be straight and of good material, at least ten (10) inches in diameter and twenty (20) feet in height, and as much higher as may be necessary to maintain the wires at the height above specified, and shall be erected, located and maintained in conformity with any instructions that may be given by the Council in regard thereto not in conflict with paramount authority; that all poles shall be erected at distances of not less than one hundred (100) feet apart, except where it may be necessary to place them closer together at cross roads or turns or angles in any street or on account of any great roughness in the surface of the street; that no poles shall be placed more than one foot from the line of the property abutting upon any road; that every conduit shall be placed at least two (2) feet below the surface of the street and that no conduit, pole, wire, anchor or stay shall be so located, constructed or maintained as to be an obstruction to any highway, street, alley, lane or other public place. (Prior code §§ 7600—7626)

Chapter 18.08

CABLE TELEVISION FRANCHISES

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18.08.010 Definitions.

For the purposes of this chapter, the following terms, phrases, words, abbreviations, and their derivations shall have the meaning given herein. When not inconsistent with the context, words used in the present tense include the future tense, words in the plural number include the singular number, and words in the singular number include the plural number:

"Cable television system," "CATV," "CTV" and "broadband two-way communications system," for the purpose of this chapter, are terms describing a system employing antennae, microwave, wires, waveguides, coaxial cables, or other conductors, equipment, or facilities, designed, constructed, or used for the purpose of:

1. Collecting and amplifying local and distant broadcast television or radio signals and distributing and transmitting them;
2. Transmitting original cablecast programming not received through television broadcast signals;
3. Transmitting television pictures, film, and videotaped programs not received through broadcast television signals whether or not encoded or processed to permit reception by only selected receivers;
4. Transmitting or receiving two (2) way signals or transmissions;

5. Transmitting and receiving all other signals: digital, voice, and audio-visual; provided, however, that any of the services, permitted hereunder to be performed, as described above, shall be those performed by the grantee for subscribers as defined in this section in the operation of a cable television or CATV system franchised by the city and not otherwise.

"City" means the city of El Monte, a municipal corporation of the state of California, in its present incorporated form or in any later reorganized, consolidated, enlarged, or re-incorporated form.

"Council" means the governing body of the city or any future board constituting the legislative body of the city.

"Chief Administrative Officer" means the City Administrator or other designation of the city's Chief Executive Officer, or any designee thereof.

"Franchise" means and includes any authorization granted hereunder in terms of a franchise, privilege, permit, license, or otherwise to construct, operate, and maintain a cable television system within all or a specified area in the city. Any such authorization, in whatever form granted, shall not mean and include any license or permit required for the privilege of transacting and carrying on a business within the city as required by other provisions of the El Monte Municipal Code, ordinances, and regulations of this city.

"Grantee" means the person, firm, or corporation granted a franchise by the Council under this chapter, and the lawful successor, transferee or assignee of said person, firm or corporation.

"Gross revenue" means any and all compensation and other consideration in any form whatever and any contributing grant or subsidy received directly or indirectly by a grantee from (1) subscribers or users in payment for television or FM radio signals, reception or service received within the city including installation and line extension charges, (2) any fees or income received by grantee for carrying advertising or commercial messages over the CATV facilities, and (3) from any other person or utilization of or connection to the property of grantee to the extent city may from time to time legally impose a franchise payment on account thereof. Notwithstanding the above, gross annual receipts shall not include any taxes on service furnished by the grantee and imposed directly on any subscriber or user by any city, state or other governmental unit and collected by the grantee for such governmental unit.

"Street" means the surface, the air space above the surface, and the area below the surface of any public street, other public right-of-way, or public place including public utility easements.

"Property of grantee" means all property owned, installed, or used within the city by a grantee in the conduct of a cable television system business under the authority of a franchise granted pursuant to this chapter.

"Subscriber" or "user" means any person or entity receiving for any purpose any service of the grantee's cable television system including, but not limited to, the conventional cable television system service of retransmission of television broadcast, radio signals, grantee's original cablecasting, and the local government, education, and public access channels: and other services such as leasing of channels, data, and facsimile transmission, pay television, and police, fire, and similar public service communication. (Prior code §§ 7630—7630.10)

Article I. Install, Operate and Service Cable TV

18.08.020 Nonexclusive franchise.

A nonexclusive franchise to install, construct, operate, and maintain a cable television system on streets within all or a specific portion of the city may be granted by the Council to any person, whether operating under an existing franchise, who or which offers to furnish and provide such system under and pursuant to the terms and provisions of this chapter. (Prior code § 7631)

18.08.030 Council discretion to limit grant of franchise.

No provision of this chapter may be deemed or construed as to require the granting of a franchise when in the opinion of the Council it is in the public interest to restrict the number of grantees to one or more. (Prior code § 76631.1)

18.08.040 Licensee.

When and in the event that the grantee of any franchise granted hereunder uses in his or her cable television system distribution channels furnished to the grantee by a telephone company pursuant to tariff or contract on file with a regulatory body having jurisdiction and said grantee makes no use of the streets independent of such telephone company-furnished facilities, said grantee shall be required to comply with all of the provisions hereof as a "licensee" and in such event whenever the term "grantee" is used herein it shall be deemed to mean and include "licensee." (Prior code § 7631.2)

18.08.050 Cable television service—Basic service.

The cable television system permitted to be installed and operated hereunder shall:

A. Be operationally capable of relaying to subscriber terminals those television and radio broadcast signals for the carriage of which the grantee is now or hereafter authorized by the Federal Communications Commission;

B. Be constructed and two-way operational from the date of system initiation;

C. Distribute color television signals which it receives in color;

D. Provide at least one channel, without charge, for exclusive use of the city. Additional channels may be required for the city as the need, in the determination of the city, arises;

E. Provide a community service channel program, as defined by Government Code Section 53066.1, as amended, plus any additional requirements which the Council may, from time to time, impose;

F. Provide, at a minimum, a fully-equipped permanent studio within the city limits, for public and municipal use, plus such other mobile and portable studios as are, from time to time, necessary; and

G. Consist of the state-of-the-art technology and be at least equivalent in capacity and capability to those cable television systems constructed and operated in adjacent cities. (Prior code § 7631.3)

18.08.060 Nonbasic services.

The cable television system, permitted to be installed and operated hereunder, may also engage in the business of:

A. Transmitting original cablecast programming not received through television broadcast signals;

B. Transmitting television pictures, film and video-tape programs not received through broadcast television signals whether or not encoded or processed to permit reception by only selected receivers or subscribers;

C. Transmitting and receiving all other signals: digital, voice and audio-visual. (Prior code § 7631.4)

18.08.070 Subscriber complaints.

In addition to other service regulations adopted by the Council, and excepting circumstances beyond grantee's control such as Acts of God, riots and civil disturbances, and in providing the foregoing services, the grantee shall:

A. Limit system failures to minimum time duration by locating and correcting malfunctioning promptly but in no event longer than twenty-four (24) hours after occurrence irrespective of holidays or other nonbusiness hours;

B. Upon complaint by a subscriber, make a demonstration satisfactory to the chief administrative officer that a signal is being delivered which is of sufficient strength

and quality to meet the standards set forth in the regulations of the Federal Communications Commission;

C. Render efficient service, making repairs promptly, and interrupting service only for good cause and for the shortest time possible. Planned interruptions, insofar as possible, shall be preceded by notice given to subscribers twenty-four (24) hours in advance and shall occur during periods of minimum use of the system;

D. Maintain an office in the city, which office shall be open during all the usual business hours with its telephone number listed in directories of the telephone company serving the city and be so operated that complaints and requests for repairs or adjustment may be received at any time, day or night, seven (7) days a week, or provide a local telephone directory listing and "toll free" telephone service maintained on a seven (7) day, twenty-four (24) hour basis for the receipt of consumer complaints;

E. Maintain a written record, or "log" listing date of customer complaints, identifying the subscriber and describing the nature of the complaint, and when and what action was taken by grantee in response thereto; said record shall be kept at grantee's local office for a period of five (5) years from the date of complaint and shall be available for inspection during regular business hours without further notice or demand by the chief administrative officer. (Prior code § 7631.5)

18.08.080 Municipal service.

With respect to the local government channel, the grantee shall provide, at the request of the chief administrative officer, use of grantee's studio, equipment and technical services for production of live and video-tape municipal programs, subject to scheduling requirements of the grantee. (Prior code § 7631.6)

18.08.090 Municipal service—Other public agencies.

With respect to the basic television services, the grantee shall provide all subscriber services, and a tie-in connection, without cost, when the system possesses such facilities and as designated by the Council, subject to the requirements of federal law to:

A. Public schools and community colleges within the city; and

B. Buildings owned and controlled by the city, used for public purposes and not for residential use (fire and police stations excepted). (Prior code § 7731.6.1)

18.08.100 Compatibility and connectibility.

A. It is the desire of the city that all cable television

systems franchised hereunder shall, insofar as financially and technically possible, be compatible with another and with systems adjacent to the city.

B. Wherever it is financially and technically feasible, the grantee shall so construct, operate and modify the system so as to tie the same into all other systems within and adjacent to the city. (Prior code §§ 7631.7, 7631.7.1)

18.08.110 Uses permitted.

Any franchise granted pursuant to the provisions of this chapter shall authorize and permit the grantee to engage in the business of operating and providing a cable television system in the city, and for that purpose to erect, install, construct, repair, replace, reconstruct, maintain and retain in, on, over, under, upon, across and along any street such poles, wires, cable, conductors, ducts, conduit, vaults, manholes, amplifiers, and appliances, attachments, and other property as may be necessary and appurtenant to the cable television system; and, in addition, so to use, operate, and provide similar facilities or properties rented or leased from other persons, firms or corporations including but not limited to any public utility or other grantee franchised or permitted to do business in the city. (Prior code § 7631.8)

Article II. Franchise Payments, Duration and Termination

18.08.120 Franchise fee.

In consideration of the granting and exercise of a franchise to use the streets, as defined in this chapter, for the operation of a cable television system, any grantee shall pay to the city, during the life of the franchise, five (5) percent of the franchisee's gross revenues per year from all cable services in the community.

A. The percentage payments shall be made in the manner and at times directed in said franchise or in a Council resolution fixing franchise fees and adopting rules for service and rate regulation.

B. No acceptance of any payment shall be construed as a release or as an accord and satisfaction of any claim the city may have for further or additional sums payable under this chapter or for the performance of any other obligation hereunder.

C. In the event that the above payment is not received by the city within the specified time, grantee shall pay to the city liquidated damages of two (2) percent per month on the unpaid balance in addition thereto. (Prior code §§ 7632—7632.3)

18.08.130 Franchise term.

The franchise granted by the Council under this chap-

ter shall be for a maximum term of fifteen (15) years from the date of its acceptance by the grantee. During the last year of the franchise, the grantee may apply to the Council for a renewal of the franchise. Permission to renew for an additional equal term of fifteen (15) years shall not be unreasonably withheld if the grantee has substantially complied with the terms and conditions of the existing franchise. (Prior code § 7632.4)

18.08.140 Termination of franchise.

The city may terminate any franchise granted pursuant to the provisions of this chapter in the event of failure, refusal or neglect by grantee to do or comply with any material requirement or limitation contained in this chapter or any material rule or regulation of the Council or chief administrative officer validly adopted pursuant to this chapter.

A. Notice of Termination. The Chief Administrative Officer may make written demand that the grantee do or comply with any such requirement, limitation, term, condition, rule or regulation. If the failure, refusal or neglect of the grantee continues for a period of thirty (30) days following such written demand, the Chief Administrative Officer may place his request for termination of the franchise upon the next regular Council meeting agenda. The Chief Administrative Officer shall cause to be served upon such grantee, at least ten (10) days prior to the date of such Council meeting, a written notice of his intent to request such termination, and the time and place of the meeting, notice of which shall be published by the City Clerk at least once ten (10) days before such meeting in a newspaper of general circulation within the city.

B. Hearing Before City Council. The Council shall consider the request of the Chief Administrative Officer and shall hear any persons interested therein, and shall determine, in its discretion, whether or not any failure, refusal or neglect by the grantee was with just cause.

C. Just Cause Failure to Comply. If such failure, refusal or neglect by the grantee was with just cause, the Council shall direct the grantee to comply within such time and manner and upon such terms and conditions as are reasonable.

D. Forfeit of Franchise. If the Council shall determine such failure, refusal or neglect by the grantee was without just cause, then the Council may, by resolution, declare that the franchise of such grantee shall be terminated and forfeited unless there be compliance by the grantee within such period as the Council may fix, or reduce the length of the franchise by a period of time up to the duration of the failure and/or violation. (Prior code §§ 7632.5—7632.5.4)

18.08.150 Termination and forfeiture not exclusive remedies.

The termination and forfeiture of any franchise shall in no way affect any of the rights of the city under the franchise or any provision of law. (Prior code § 7632.5.5)

18.08.160 Penalty for unauthorized holdover.

In the event of any holding over after expiration of any franchise granted hereunder, without the prior consent of the city, expressed by resolution, the grantee shall pay to the city reasonable compensation and damage, of not less than one hundred (100) percent of its gross revenue during said period. (Prior code § 7632.5.6)

Article III. Applications for Franchise**18.08.170 Applications for franchise.**

A. Each application for a franchise to construct, operate, or maintain any cable television systems in this city shall be filed with the City Clerk and shall contain or be accompanied by the following:

1. The name, address, and telephone number of the applicant;
2. A detailed statement of the corporate or other business entity organization of the applicant including but not limited to the following and to whatever extent required by the city:
 - a. The names, residence and business addresses of all officers, directors, and associates of the applicant,
 - b. The names, residence and business addresses of all officers, persons and entities having, controlling, or being entitled to have or control of five (5) percent or more of the ownership of the applicant and the respective ownership share of each person or entity,
 - c. The names and addresses of any parent or subsidiary of the applicant, namely, any other business entity owning or controlling applicant in whole or in part or owned or controlled in whole or in part by the applicant, and a statement describing the nature of any such parent or subsidiary business entity including but not limited to cable television systems owned or controlled by the applicant, its parent and subsidiary and the areas served thereby,
 - d. A detailed description of all previous experience of the applicant in providing cable television system service and in related or similar fields,
 - e. A detailed and complete financial statement of the applicant, prepared by an independent certified public accountant, for the fiscal year next preceding the date of the application hereunder or a letter or other acceptable evidence in writing from a recognized lending institution or funding source addressed to both applicant and the

Council setting forth the basis for a study performed by such lending institution or funding source and a clear statement of its intent as a lending institution or funding source to provide whatever capital shall be required by the applicant to construct and operate the proposed system in the city or a statement from a certified public accountant certifying that the applicant has available sufficient free, net and uncommitted cash resources to construct and operate the proposed system in this city,

f. A statement identifying by place and date any other cable television franchise(s) awarded to the applicant, its parent or subsidiary; the status of said franchise(s) with respect to completion thereof; the total cost of completion of such system(s); and the applicant's and its parent's or subsidiary's resources committed to the completion thereof;

B. Proposed Plan of Operation. A detailed description of the proposed plan of operation of the applicant which shall include, but not limited to, the following:

1. A detailed map indicating all areas proposed to be served and a proposed time schedule for the installation of all equipment necessary to become operational throughout the entire area to be served,
2. A statement or schedule setting forth all proposed classifications of rates and charges to be made against subscribers and all rates and charges as to each of said classifications including installation charges and service charges,
3. A detailed, informative, and referenced statement describing the actual equipment and operational standards proposed by the applicant,
4. A copy of the form of any agreement, undertaking, or other instrument proposed to be entered into between the applicant and any subscriber,
5. A detailed statement setting forth in its entirety any and all agreements and undertakings, whether formal or informal, written, oral, or implied, existing or proposed to exist between the applicant and any person, firm, or corporation which materially relate or pertain to or depend upon the application and the granting of the franchise;

C. Other Agreements. A copy of any agreement covering the franchise area if existing between the applicant and any public utility subject to regulation by the California Public Utilities Commission providing for the use of any facilities of the public utility including but not limited to poles, lines, or conduits;

D. Other Information. Any other details, statements, information or references pertinent to the subject matter of such application which shall be required or requested by the Council, or by any provision of any other resolution, regulation, or law of the city;

E. **Application Fee.** An application fee in the sum of one thousand five hundred dollars (\$1,500.00), which shall be in the form of cash, certified or cashier's check, or money order, to pay the costs of studying, investigating, and otherwise processing such application, and which shall be in consideration thereof and not returnable or refundable in whole or in part except to the extent that such fee exceeds the actual costs incurred by the city in studying, investigating, and otherwise processing the application; provided that any applicant who shall deliver to the City Clerk a written withdrawal of or cancellation of an application hereunder, not later than the seventh day next following the day such application is received by the City Clerk, shall be entitled to have returned and refunded the sum of one thousand five hundred dollars (\$1,500.00), less any actual costs or expenses incurred by the city by reason of such application. (Prior code §§ 7633—7633.4)

18.08.180 Council may solicit applications.

The Council may, by advertisement or any other means, solicit and call for applications for cable television system franchises, and may determine and fix any date upon or after which the same shall be received by the city, or the date before which the same must be received, or the date after which the same shall not be received, and may make any other determinations and specify any other times, terms, conditions, or limitations, respecting and soliciting, calling for, making, and receiving of such applications. (Prior code § 7633.5)

18.08.190 Applications to be submitted to CATV Committee.

Upon receipt of any application for franchise, the Council shall refer the same to a CATV Committee, appointed by the Council, who shall prepare a report and make their recommendations respecting such application and cause the same to be completed and filed with the Council. The Council may appoint itself as the CATV Committee. (Prior code § 7633.6)

18.08.200 Hearing on competing applications.

A. If the Council shall determine to further consider the applications, it shall pass a resolution setting a public hearing for the consideration of competing applications, fixing and setting forth a day, hour, and place certain when and where any persons having any interest therein or objections may file written protest and/or appear before the Council and be heard, and directing the City Clerk to publish said resolution at least once within ten (10) days of the passage thereof in a newspaper of general circulation within the city.

B. In making any determination hereunder as to any application for a new franchise, or renewal thereof, the Council may give due consideration to the quality of the service proposed, rates to subscriber, income to the city, experience, character, background, and financial responsibility of any applicant, and its management and owners, technical and performance quality of equipment, willingness and ability to meet construction and physical requirements, and to abide by policy conditions, franchise limitations and requirements, and any other considerations deemed pertinent by the Council for safeguarding the interests of the city and the public. (Prior code §§ 7633.7, 7633.8)

18.08.210 Protests.

At the time set for the hearing, or at adjournment thereof, the Council shall proceed to hear all oral and written protests. Thereafter, the Council shall make one of the following determinations:

A. That such application(s) be denied, which determination shall be final and conclusive; or

B. That such franchise be granted and the terms and conditions thereof. (Prior code § 7633.9)

18.08.220 Rejection of applications.

The Council may reject any and all applications and may, if it so desires, request new and/or additional proposals. (Prior code § 7633.10)

18.08.230 Additional information.

The Council may at any time demand and applicant(s) shall provide such supplementary, additional, or other information as the Council may deem reasonably necessary to determine whether the requested franchise should be granted. (Prior code § 7633.11)

18.08.240 City reimbursement by grantee.

Any grantee, upon the effective date of its franchise, shall be required to reimburse city for its estimated engineering, administrative, publication and legal expenses incurred in connection with the processing, evaluation, and preparation of documents relating to such franchise as such shall be established in the franchise agreement in a total amount not to exceed fifteen thousand dollars (\$15,000.00). (Prior code § 7633.12)

Article IV. Deposits—Bonds—Indemnifications—Insurance

18.08.250 Performance deposits to city.

The grantee shall, concurrently with the filing of an

acceptance of award of the franchise granted under this chapter, deposit in a financial institution selected by the city the sum of fifty thousand dollars (\$50,000.00) in a joint account with the grantee and the city as cosignators. This sum shall be maintained in an interest-bearing joint-account during the period of construction of the cable television system within the city limits, but in no event in excess of three (3) years. The return of the sum plus interest to the grantee shall be conditioned upon the faithful performance of the grantee and upon the further condition that in the event grantee shall fail to comply with any one or more of the provisions of this chapter or of the franchise issued to the grantee hereunder, there shall be recoverable from this sum any damages or loss suffered by the city as a result thereof including the full amount of any compensation, indemnification, or cost of removal or abandonment of any property of the grantee as prescribed herein which may be in default plus a reasonable allowance for the attorney's fees and costs up to the full amount of the account. (Prior code § 7634)

18.08.260 Performance bond for subscribers.

Upon being granted a franchise and upon filing of the acceptance required under Section 18.08.290, the grantee shall file, annually, with the City Clerk and shall thereafter during the entire term of such franchise maintain in full force and effect a corporate surety bond, or other adequate surety agreement, in the amount of fifteen thousand dollars (\$15,000.00). The bond or agreement shall be so conditioned that in the event such grantee shall fail to comply with any one or more of the provisions of any agreement or undertaking made between grantee and any subscriber, then there shall be recoverable jointly and severally from the principal and surety and damages or costs suffered or incurred by a subscriber as a result thereof including reasonable attorney's fees and costs of any action or proceeding. Said condition shall be a continuing obligation during the entire term of such franchise and thereafter until grantee shall have satisfied in full any and all obligations to any subscriber which arise out of or pertain to any such agreement or undertaking. (Prior code § 7634.1)

18.08.270 Hold harmless agreement.

Grantee shall indemnify and hold harmless the city, its officers, boards, commissions, agents, and employees, against and from any and all claims, demands, causes of actions, actions, suits, proceedings, damages (including but not limited to damages to city property and damages arising out of copyright infringements, and damages arising out of any failure by grantee to secure consents from the owners, authorized distributors or licensees of

programs to be delivered by grantee's cable television system), costs or liabilities (including costs or liabilities of the city with respect to its employees), of every kind and nature whatsoever including but not limited to damages for injuries or death or damage to person or property, and regardless of the merit of any of the same, and against all liability to others, and against any loss, cost, and expense resulting or arising out any of the same including any attorney fees, accountant fees, expert witness or consultant fees, court costs, per diem expense, traveling and transportation expense, or other costs or expenses arising out of or pertaining to the exercise or the enjoyment of any franchise hereunder by grantee, or the granting thereof by the city. (Prior code § 7634.2)

18.08.280 Defense of litigation.

A. Grantee shall, at the sole risk and expense of grantee, upon demand of the city, made by and through the City Attorney, appear in and defend any and all suits, actions, or other legal proceedings, whether judicial, quasi-judicial, administrative, legislative, or otherwise, brought or instituted or had by third persons or duly constituted authorities, against or affecting the city, its officers, boards, commissions, agents, or employees, and arising out at or pertaining to the exercise or the enjoyment of such franchise or the granting thereof by the city.

1. Guarantee shall pay and satisfy or shall cause to be paid and satisfied any judgement, decrees, order, directive, or demand rendered, made or issued against grantee, the city, its officers, boards, commissions, agents, or employees in any of these premises; and such indemnity shall exist and continue without reference to or limitations by the amount of any bond, policy of insurance, deposit, undertaking or other assurance required hereunder, or otherwise; provided that neither grantee nor city shall make or enter into any compromise or settlement of any claim, demand, cause of action, action, suit, or other proceeding, without first obtaining the written consent of the other.

2. Insurance shall be provided which names the city as an additional insured in accordance with Section 3.24.160 of this code.

B. Liability Insurance. General comprehensive liability insurance in the amount of one million dollars (\$1,000,000.00), together with bodily injury liability insurance in an amount not less than five hundred thousand dollars (\$500,000.00) for injuries including accidental death, to any person, and subject to the same limit for each person in an amount not less than one million dollars (\$1,000,000.00) on account of any one occurrence, and property damage liability insurance in an amount not less than one hundred thousand dollars (\$100,000.00)

resulting from any one occurrence; provided, however, as follows:

1. The city shall be named as an additional insured in any said insurance policies; and
2. Where such insurance is provided by a policy which also covers grantee or any other entity or person, it shall contain the standard cross-liability endorsement. (Prior code §§ 7634.3—7634.4.1)

18.08.290 Acceptance of the franchise.

No franchise granted under this chapter shall become effective for any purpose unless and until written acceptance thereof shall have been filed with the City Clerk. Written acceptance, which shall be in the form and substance approved by the City Attorney, shall also be and operate as an acceptance of each and every term and condition and limitation contained in this chapter, or in such franchise, or otherwise specified as herein provided.

A. Acceptance by Grantee. The written acceptance shall be filed by the grantee not later than 12:01 p.m. on the fortieth day next following the effective date of the ordinance granting such franchise.

B. Rejection by Grantee. In default of the filing of such written acceptance as herein required, the grantee shall be deemed to have rejected and repudiated the franchise. Thereafter, the acceptance of the grantee shall not be received nor filed by the City Clerk. The grantee shall have no rights, remedies, or redress in the franchise, unless and until the Council, by resolution, shall determine that such acceptance be received or filed, and then upon such terms and conditions as the Council may impose.

C. Rights, Remedies and Redress of City. In any case, and in any instance, all rights, remedies and redress which may or shall be available to the city, shall at all times be available to the city, and shall be preserved and maintained and shall continuously exist in and to the city, and shall not be in any manner or means modified, abridged, altered, restricted, or impaired by agreement or otherwise.

D. Franchise, Exclusive Right of Grantee. Any franchise granted and accepted under this chapter shall be in lieu of any and all other rights, privileges, powers, immunities, and authorities owned, possessed, controlled, or exercisable by the grantee, of or pertaining to the construction, operation, or maintenance of any cable television systems in the city. (Prior code §§ 7634.5—7634.5.4)

18.08.300 Limitations of franchise.

Every franchise granted under this chapter shall be nonexclusive. (Prior code § 7634.6)

18.08.310 No privileges or exemptions as result of franchise.

No privilege or exemption shall be granted or conferred by any franchise granted under this chapter except those specifically prescribed therein. (Prior code § 7634.6.1)

18.08.320 Grantee's rights in streets subordinate to other lawful occupancy.

Any privilege claimed under any such franchise by the grantee in any street or other public property shall be subordinate to any prior lawful occupancy to the streets or other public property. (Prior code § 7634.6.2)

18.08.330 Franchise constitutes personal trust.

Any such franchise shall be a privilege to be held in personal trust by the original grantee. It cannot in any event be sold, transferred, leased, assigned or disposed of, in whole or in part, either by forced or involuntary sale, or by voluntary sale, merger, consolidation or otherwise without prior consent of the Council expressed by resolution and then only under such conditions as may therein be prescribed. Any such transfer or assignment shall be made only by an instrument in writing such as a bill of sale, or similar document, a duly executed copy of which shall be filed in the office of the City Clerk within thirty (30) days after any such transfer or assignment. The said consent of the Council may not be unreasonably refused; provided, however, the proposed assignee must show financial responsibility and must agree to comply with all provisions of this chapter; and provided, further, that no such consent shall be required for a transfer in trust, mortgage, or other hypothecation, in whole or in part, to secure an indebtedness, except that when such hypothecation shall exceed twenty-five (25) percent of the market value of the property used by the franchisee in the conduct of the cable television system, prior consent of the Council shall be required for such a transfer. Such consent shall not be withheld unreasonably. (Prior code § 7634.6.3)

18.08.340 Corporate grantee to obtain council approval prior to change of ownership or control.

In the event that grantee is a corporation, prior approval of the City Council, expressed by resolution, shall be required where there is an actual change in control or

where ownership of more than twenty-five (25) percent of the voting stock of grantee is acquired by a person or group of persons acting in concert, none of whom already own fifty (50) percent or more of the voting stock, singly or collectively. Any such acquisition occurring without prior approval of the City Council shall constitute a failure to comply with the provisions of this chapter. (Prior code § 7634.6.4)

18.08.350 Time of essence for compliance by grantee.

Time shall be of the essence of any such franchise granted hereunder. The grantee shall not be relieved of his or her obligation to comply promptly with any of the provisions of this chapter by any failure of the city to enforce prompt compliance. (Prior code § 7634.6.5)

18.08.360 City retains right to transfer responsibilities.

Any right or power in, or duty impressed upon, any officer, employee, department, or board of the city shall be subject to transfer by the city to any other Officer, Employee, Department, or Board of the city. (Prior code § 7634.6.6)

18.08.370 No recourse against city by grantee.

The grantee shall have no recourse whatsoever against the city for any loss, cost, expense, or damage arising out of any provision or requirement of this chapter or of any franchise issued hereunder or because of its enforcement. (Prior code § 7634.6.7)

18.08.380 Grantee subject to all requirements of city.

A. The grantee shall be subject to all requirements of city laws, rules, regulations, and specifications heretofore or hereafter enacted or established.

B. Any such franchise granted shall not relieve the grantee of any obligation involved in obtaining pole or conduit space from any department of the city, utility company, or from others maintaining utilities in streets. (Prior code §§ 7634.6.8, 7634.6.9)

18.08.390 Franchise—Exclusive right by grantee against city.

Any franchise granted hereunder shall be in lieu of any and all other rights, privileges, powers, immunities, and authorities owned, possessed, controlled, or exercisable by grantee, or any successor to any interest of grantee, of or pertaining to the construction, operation or maintenance of any cable television system in the city; and the acceptance of any franchise hereunder shall

operate, as between grantee and the city, as an abandonment of any and all of such rights, privileges, powers, immunities, and authorities within the city, to the effect that, as between grantee and the city, and all construction, operation and maintenance by grantee or any cable television system in the city shall be, and shall be deemed and construed in all instances and respects to be, under and pursuant to said franchise, and not hereunder or pursuant to any other right, privilege, power, immunity, or authority whatsoever. (Prior code § 7634.6.10)

Article V. Rights Reserved to the City

18.08.400 Rights reserved by city.

The city reserves the power to adopt and enforce requirements and regulations on any or all of the following matters if and when deemed necessary and proper in the public interest by the City Council and are consistent with rules and regulations of the Federal Communications Commission:

A. Procedures for the periodic fixing of reasonable rates and service charges to be charged to subscribers by grantee, and provisions for the enforcement thereof;

B. Operational standards pertaining to the quality of audio-visual reception by subscribers;

C. Channel capacity requirements;

D. Requirements for carriage of specified television signals, radio signals, and supplementary signal carriage services;

E. Requirements for the provision of equipment and channels for local production and presentation of cablecast programs, and regulations pertaining thereto;

F. Requirements and regulations pertaining to minimum service requirements and fair business practices by the grantee;

G. Public safety requirements pertaining to the installation and use of all CATV equipment;

H. Procedures for the investigation and resolution of all complaints by subscribers regarding grantee's CATV operations including implementation thereof by designated city officers, employees, or agents;

I. Public access channels, equipment and facilities;

J. There is reserved to the city every right and power which is required to be herein reserved or provided by any law and the grantee, by its acceptance of the franchise, agrees to be bound thereby and to comply with any action or requirements of the city in its exercise of such rights or power, heretofore or hereafter enacted or established;

K. Nothing herein shall be deemed or construed to impair or affect in any way, to any extent, the right of the city to acquire the property of the grantee, either by

purchase or through the exercise of the right of eminent domain, at a fair and just value, which shall not include any amount for the franchise itself or for any of the rights or privileges granted, and nothing herein contained shall be construed to contract away or to modify or abridge, whether for a term or in perpetuity, the city's right of eminent domain;

L. Neither the granting of any franchise nor any provision hereof shall constitute a waiver or bar to the exercise of any governmental right or power of the city;

M. The Council may do all things which are necessary and convenient in the exercise of its jurisdiction under this chapter and may determine any question of fact which may arise during the existence of any franchise granted hereunder. The Chief Administrative officer, with the approval of the City Attorney, is authorized and empowered to adjust, settle, or compromise any non-monetary controversy or charge arising from the operations of any grantee under this chapter either on behalf of the city, the grantee, or any subscriber, in the best interest of the public. Either the grantee or any member of the public who may be dissatisfied with the decision of the Chief Administrative Officer may appeal the matter to the Council for hearing and determination. The Council may accept, reject, or modify the decision of the Chief Administrative Officer, and the Council may adjust, settle, or compromise any controversy or cancel any charge arising from the operations of the grantee or from any provision of this chapter;

N. In the event that the Federal Communications Commission elects to deregulate any area of cable communications over which it currently exercises jurisdiction, or areas, any franchise issued pursuant to this chapter shall be automatically amended, without any additional act by any party to it, to reflect these new municipal regulatory powers, and the city may, if it so elects, adopt rules and regulations in these areas. (Prior code § 7635)

Article VI. Council May Adopt Rules and Regulations

18.08.410 Standards of operation.

Prior to receiving any applications for franchises, the Council may adopt rules, regulations, and standards governing the operation of cable television systems in the city. Such rules, regulations, and standards shall apply to and shall govern the operations of the grantee of any franchise hereunder and are expressly declared a part of any franchise hereunder. (Prior code § 7636)

18.08.420 Rules and regulations.

A. Rules and regulations and standards not adopted

prior to receiving any application for franchise may be adopted by the Council at the first regular meeting of the Council next following the effective date of the ordinance codified in this chapter by resolution which shall become effective upon adoption and shall be applicable to any application for a franchise previously received.

B. The standards adopted pursuant to these procedures shall be exclusively in those areas not either expressly or impliedly preempted by the Federal Communications Commission at the time of adoption. (Prior code §§ 7636.1, 7636.2)

18.08.430 Council discretion to change rules and regulations.

A. Provided the same do not materially alter the situation of the grantee, the Council may at any time subsequent to the periods noted above in Sections 18.08.410 and 18.08.420A adopt new rules and regulations or standards, or amend, modify, delete, or otherwise change its respective rules or regulations or standards previously adopted in the following manner: The Council shall pass its resolution of intention of standards to be adopted, amended, modified, deleted, or otherwise changed, and fixing and setting forth a day, hour and place certain when and where any persons having any interest therein or objection thereto may appear before the Council and be heard. Such resolution shall direct the City Clerk to publish the same at least once within ten (10) days of the passage thereof in a newspaper of general circulation within the city, and to mail a copy of the same to any grantee or applicant for a franchise not more than thirty (30) days nor less than fifteen (15) days prior to the time fixed for hearing thereon.

B. Hearing. At the time set for such hearing, or at any adjournment thereof, the Council shall proceed to hear and pass upon such comments as may be presented. Thereafter the Council, by its resolution, may adopt, amend, modify, delete, or otherwise change its respective rules, regulations and standards. Such determination by the Council shall be final and conclusive. The rules and regulations, as amended, modified, deleted, or otherwise changed by the Council shall become effective upon the tenth day following the adoption of such resolution, unless a longer period shall be otherwise provided in such resolution. (Prior code §§ 7636.3, 7636.4)

18.08.440 Rates.

Prior to granting any franchise hereunder the Council, by resolution, shall establish and fix all rates and charges for the basic service, herein defined, allowable to grantee, such as:

A. Charges for installation;

B. Subscriber rates; except the rates for pay television;

C. Service charges for additional connections. (Prior code § 7636.5)

18.08.450 Established rates to prevail.

Once established, rates or charges shall not be changed at any time after granting of a franchise, except after due notice and hearing as provided herein. (Prior code § 7636.5.1)

18.08.460 Proposed change of rate and report of Administrator.

A. In connection with a proposed change of any rates or charges of grantee to subscribers initiated by grantee, or the approval of rates for additional services, at any time after the granting of a franchise, the City Council may direct the Chief Administrative Officer of the city to conduct a preliminary investigation, in the form he or she deems suitable, into the matter. The Chief Administrative Officer shall prepare and file with the Council a written report of the investigation, his or her findings, and an opinion containing his or her recommendations and the reasons therefor. Upon receipt of the report the Council may determine to hold a public hearing on the application and shall pass a resolution of intention to hold such a hearing, describing and stating any rates or charges to be charged, the reasons of the Council therefor, fixing and setting forth a day, hour, and place certain when and where any persons having any interest therein may appear before the Council and be heard. Such resolution shall direct the City Clerk to publish the same resolution at least once within ten (10) days of the passage thereof in a newspaper of general circulation within the city. The City Clerk also shall cause a copy of such resolution to be mailed to the grantee at least ten (10) days prior to the date specified for the hearing thereon.

B. Hearing. At the time set for any further hearing, or at any adjournment thereof, the Council shall proceed to hear the matter.

C. Action by Council on Change of Rates. At the conclusion of the public hearing, if the Council determines to do so, the Council shall find that the changing of any rates or charges of grantee to subscribers will be fair to the system operator and not detrimental or injurious to the best interests and welfare of the subscribers and users, and of the city, then the Council, by resolution, shall authorize the change of rates or charges of grantee to subscribers and users as determined. Such resolution shall thereupon become and shall be part of any franchise granted hereunder and affected thereby.

D. Rates to be Uniform. Neither the Council nor the grantee shall, as to rates, charges, service, service facilities, rules, regulations, or in any other respect, make or grant any preference or advantage to any person nor subject any person to prejudice or disadvantage. (Prior code §§ 7636.6—7636.6.3)

Article VII. Permits and Construction

18.08.470 Grantee to proceed with due diligence.

A. Within thirty (30) days after acceptance of any franchise, the grantee shall proceed with due diligence to obtain all necessary permits and authorizations which are required in the conduct of its business including, but not limited to, any utility joint use attachment agreements, microwave carrier licenses and any other permits, licenses and authorizations to be granted by duly constituted regulatory agencies having jurisdiction over the operation of the cable television systems, or associated microwave transmission facilities.

B. In connection therewith, copies of all petitions, applications and communications submitted by the grantee to the Federal Communications Commission, Securities and Exchange Commission, or any other federal or state regulatory commission or agency having jurisdiction in respect to any matters affecting grantee's cable television operations, shall also be submitted simultaneously to the Chief Administrative Officer.

C. Within ninety (90) days after obtaining all necessary permits, licenses and authorizations including right of access to poles and conduits, grantee shall commence construction and installation of the cable television system.

D. Within one hundred eighty (180) days after the commencement of construction and installation of the system, grantee shall proceed to render service to subscribers, and the completion of the installation and construction shall be pursued with reasonable diligence thereafter, so that service to all of the areas designated and scheduled on the map and plan of construction made part of the franchise shall be provided as set forth therein. Grantee is required to complete construction of the entire city in a maximum of three (3) years, although a shorter time may be specified in the franchise.

E. Grantee shall utilize existing poles, conduits, and other facilities whenever possible, and shall not construct or install any new, different, or additional poles, conduits, or other facilities whether on public property or on privately-owned property unless and until first securing the written approval of the Chief Administrative Officer. (Prior code §§ 7637—7637.3)

18.08.480 Approval of Director of Public Works.

Any wires, cable lines, conduits or other properties of the grantee to be constructed or installed in streets shall be so constructed or installed only at such locations and in such manner as shall be approved by the director of public works acting in the exercise of his reasonable discretion. (Prior code § 7637.4)

18.08.490 Changes in location to be expense of grantee.

Whenever grantee shall not utilize existing poles, conduits and other facilities, or whenever existing conduits and other facilities shall be located beneath the surface of the streets, or whenever the city shall undertake a program designed to cause all conduits and other facilities to be located beneath the surface of the streets in any area or throughout the city, in the exercise of its police power or pursuant to the terms hereof, upon reasonable notice to grantee, any such conduits or other facilities of grantee shall be constructed, installed, placed, or replaced beneath the surface of the streets. Any construction, installation, placement, replacement, or changes which may be so required shall be made at the expense of grantee, whose cost shall be determined as in the case of public utilities. (Prior code § 7637.5)

18.08.500 City reserves right to use poles or facilities of grantee.

The city shall have the right, free of charge, to make additional use, for any public or municipal purpose, whether governmental or proprietary, of any poles, conduits, or other similar facilities erected, controlled, or maintained exclusively by or for grantee in any street, provided such use by city does not interfere with the use by grantee. (Prior code § 7637.5.1)

18.08.510 Undergrounding of facilities.

In those areas of the city where the transmission or distribution facilities of the respective public utilities providing telephone, communications and electric services are underground or hereafter are placed underground, the grantee likewise shall construct, operate and maintain all of its transmission and distribution facilities underground. The term "underground" shall include a partial underground system; provided that upon obtaining the written approval of the Chief Administrative Officer, amplifiers in the grantee's transmission and distribution lines may be placed in appropriate housings upon the surface of the ground. (Prior code § 7637.5.2)

18.08.520 Authority of Chief Administrative Officer.

A. The grantee at its expense shall protect, support, temporarily disconnect, relocate, or remove any property of grantee when, in the opinion of the Chief Administrative Officer, the same is required by reason of traffic conditions, public safety, street vacation, freeway or street construction, change or establishment of street grade, installation of sewers, drains, waterpipes, power line, signal line, transportation facilities, tracks, or any other types of structure or improvements or governmental agencies whether acting in a governmental or a proprietary capacity, or any other structure or public improvement including, but not limited to, movement of buildings, urban renewal and redevelopment, and any general program under which the city shall undertake to cause all such properties to be located beneath the surface of the ground. The grantee shall in all cases have the privilege, subject to the corresponding obligations, to abandon any property of grantee in place as herein provided. Nothing hereunder shall be deemed a taking of the property of grantee, and grantee shall be entitled to no surcharge by reason of anything hereunder.

B. Upon the failure, refusal, or neglect of grantee to cause any work or other act required by law or hereunder to be properly completed in, on, over, or under any street within any time prescribed therefor, or upon notice given, where no time is prescribed, the Chief Administrative Officer may cause work or other act to be completed in whole or in part and upon so doing shall submit to grantee an itemized statement of the cost thereof. The grantee shall, within thirty (30) days after receipt of such statement, pay to the city the entire amount thereof in the event that:

1. The use of any part of the system of grantee is discontinued for any reason for a continuous period of thirty (30) days without prior written notice to and approved by the city; or

2. Any part of such system has been installed in any street or other area without complying with the requirements hereof; or

3. Any franchise shall be terminated, cancelled, or shall expire, then the grantee shall, at the option of the city, and at the expense of grantee and at no expense to the city, and upon demand of the city, promptly remove from any streets or other area all property of grantee, and grantee shall promptly restore the street or other area from which such property has been removed to such condition as the Chief Administrative Officer shall approve. (Prior code §§ 7637.5.3, 7637.5.4)

18.08.530 Council to approve abandonment by grantee.

The Council may, upon written application therefor by grantee, approve the abandonment of any of such property in place by grantee and under such terms and conditions as the Council may prescribe. Upon abandonment of any such property in place, grantee shall cause to be executed, acknowledged, and delivered to the city such instruments as the city attorney shall prescribe and approve, transferring and conveying the ownership of such property to the city. (Prior code § 7637.5.5)

Article VIII. Inspections of Property—Right of Purchase and Right of Intervention**18.08.540 Inspections.**

At all reasonable times the grantee shall permit any duly authorized representative of the city to examine all property of the grantee together with any appurtenant property of the grantee situated within or without the city and to examine and transcribe any and all maps and other records kept or maintained by the grantee or under its control which deal with the operations, affairs, transactions or property of the grantee with respect to its franchise. If any such maps or records are not kept in the city, or upon reasonable request made available in the city, and if the Council shall determine that an examination thereof is necessary or appropriate, then all travel and maintenance expense necessarily incurred in making such examination shall be paid by the grantee. (Prior code § 7638)

18.08.550 Reports.

The grantee shall prepare and furnish to the Chief Administrative Officer and the City Clerk at the time and in the form prescribed by either of said officers such reports with respect to its operations, affairs, transactions or property as may be reasonably necessary or appropriate to the performance of any of the rights, functions or duties of the city or any of its officers in connection with the franchise. (Prior code § 7638.1)

18.08.560 Plans and records.

The grantee shall at all times make and keep in the city full and complete plans and records showing the exact location of all CATV system equipment installed or in use in streets and other public places in the city. (Prior code § 7638.2)

18.08.570 Maps.

The grantee shall file with the Chief Administrative

Officer, on or before the last day in March of each year, a current map or set of maps drawn to scale showing all CATV system equipment installed and in place in streets and other public places of the city. (Prior code § 7638.3)

18.08.580 Right to purchase system.

Upon the revocation of the franchise, or the expiration of the terms thereof, and upon payment by the grantor to the grantee of the fair market value of the grantee's CATV system, the grantor may purchase, acquire, take-over, or hold said system. For the purpose of this section, "fair market value" shall be determined by valuing the grantee's system as a going concern. In the case of abandonment or termination for cause, "fair market value" shall be determined by valuing the grantee's system on the basis of depreciated book value. No value shall be assigned to the franchise granted hereunder. Immediately upon a determination of revocation or expiration of the franchise, the grantor and grantee shall attempt to mutually agree upon the fair market value of the system. However, if within a reasonable period of time they cannot agree upon a fair market valuation, then said valuation shall be determined by a three (3) member board of appraisers, one selected by the grantor, one selected by the grantee, and one selected by the appraisers themselves. The cost of said appraisal shall be borne equally by the grantor and the grantee. (Prior code § 7639)

18.08.590 Right of intervention.

The grantor may intervene in any suit or proceeding in which the grantee is a party provided that the grantor's interests are not adequately represented by the existing parties and provided further that the disposition of each suit or proceeding without the grantor's participation may, as a practical matter, impair or impede the grantor's ability to protect those interests. (Prior code § 7640)

Article IX. Effect of Annexations**18.08.600 Annexation contiguous to franchise area.**

In the event any new territory shall be annexed to the city which is contiguous to only one franchise area in the city, such new territory shall become, by operation of law, a part of such franchise area immediately upon the effective date of such annexation. (Prior code § 7641)

18.08.610 Annexation contiguous to more than one franchise area or not contiguous.

In the event any new territory shall become annexed

to the city which is contiguous to more than one franchise area in the city or is not contiguous to any franchise area, then the Council shall determine at a public hearing which grantee, if any, shall serve such new territory. (Prior code § 7641.1)

18.08.620 Annexation to terminate franchise in annexed territory.

In the event any portion of the unincorporated territory covered by an existing franchise or license granted by the county is annexed to the city prior to the time that the grantee of such county franchise or license has commenced installation of a CATV system within said territory, all rights acquired by said grantee under its county franchise or license shall terminate by operation of law as of the date on which the annexation to the city becomes effective. (Prior code § 7641.2)

18.08.630 Rights reserved to council after annexation.

In the event any portion of unincorporated territory covered by an existing franchise or license granted by the county is annexed to the city after the grantee thereof has commenced or completed construction and installation of a CATV system within said territory, the rights reserved under such franchise or license to the county or to any officer thereof shall inure to the benefit of the city and all regulatory provisions of this chapter and any other rules and regulations applicable to CATV systems operating within the city, whether then in effect or subsequently adopted, shall be applicable to and binding upon said grantee. In addition, the grantee shall be obligated to pay annually to the city the percentage of the gross receipts established by the county in said franchise or license which are derived from its operations within the annexed territory for five (5) years or upon termination of the franchise, whichever is of the shorter time duration, at which time the Council may establish the percentage of gross receipts to be paid to the city. (Prior code § 7641.3)

Article X. Operations Standards

18.08.640 Standard of care of grantee.

A. The grantee shall at all times employ ordinary care and shall install and maintain in use commonly accepted methods and devices for preventing failures and accidents which are likely to cause damage, injuries, or nuisances to the public.

B. The grantee shall install and maintain its wires, cables, fixtures, and other equipment in accordance with the requirements of the National Electrical Code as it now exists or hereafter may be amended and in such

manner that they will not interfere with any installations of the city or of a public utility serving the city.

C. All structures and all lines, equipment, and connections in, over, under, and upon the streets, sidewalks, alleys, and public ways or places of the city, wherever situated or located, shall at all times be kept and maintained in a safe, suitable, substantial condition, and in good order and repair.

D. The grantee shall strictly adhere to all building and zoning codes currently or hereafter in force. The grantee shall arrange its lines, cables, and other appurtenances on both public and private property in such a manner as to cause no unreasonable interference with the use of said public or private property by any person. (Prior code §§ 7642—7642.3)

18.08.650 Removal of facilities upon request.

Upon termination of service to any subscriber the grantee shall promptly remove all its facilities and equipment from the premises of such subscribers upon its request. (Prior code § 7643)

18.08.660 Repair of streets and public ways.

Any and all streets and public ways which are disturbed or damaged during the construction, operation, maintenance, or reconstruction of the cable television system shall be promptly repaired by the grantee, at its expense, to the satisfaction of the grantor. (Prior code § 7644)

18.08.670 Erection of poles.

The grantee is expected to make use of existing aerial poles. However, the grantee shall have the right to erect poles if written permission is obtained from the grantor. Except as may be permitted, the grantee shall lease pole space from existing owners for all construction. (Prior code § 7645)

18.08.680 Services.

Services shall be offered to all city residents in accordance with the provisions of the franchise agreement. The grantee shall not materially reduce the level of service without permission of the city but may at its discretion substitute programming to offer subscribers an equal or better array of services. (Prior code § 7646)

18.08.690 Special service area.

As defined in the franchise agreement, the grantee shall be permitted to charge higher installation fees for areas of low housing density, commercial areas and/or underground utility areas that require exceptionally high construction costs. (Prior code § 7647)

18.08.700 Discretion of Council to defer expansion.

Upon petition by the grantee, the Council may defer or indefinitely suspend any expansion into such a special service area after a showing by grantee that such expansion would cause unreasonable financial hardship to grantee. The adequacy of such a showing shall be determined and weighed against the public interest in system expansion by the Council after a public hearing. (Prior code § 7647.1)

18.08.710 Receivership.

Upon the foreclosure or other judicial sale of all or a substantial part of the CATV system, or upon the termination of any lease covering all or a substantial part of the CATV system, the grantee shall notify the City Clerk of such fact and such notification shall be treated as a notification that a change in control of the grantee has taken place and the provisions of this chapter governing the consent of the Council to such change in control of the grantee shall apply. (Prior code § 7648)

18.08.720 Grantor reserves right to revoke.

The grantor shall have the right to revoke the franchise one hundred twenty (120) days after the appointment of a receiver, or trustee, to take over and conduct the business of the grantee whether in receivership, reorganization, bankruptcy, or other action or proceeding unless such receivership or trusteeship shall have been vacated prior to the expiration of said one hundred twenty (120) days, or unless:

A. Within one hundred twenty (120) days after his election or appointment, such receiver or trustee shall have fully complied with all the provisions of the franchise and remedied all defaults thereunder; and

B. Such receiver or trustee, within said one hundred twenty (120) days, shall have executed an agreement, duly approved by the court having jurisdiction in the premises, bound by each and every provision of the franchise. (Prior code § 7648.1)

18.08.730 Condemnation—Authority of city to terminate in the event of condemnation.

In order to preserve the right of the city under the franchise provided for, and its right to acquire the property of the grantee by purchase or eminent domain proceedings at its then fair market value, at any time during the existence of the franchise, it is especially provided that if at any time the franchise or the property of the grantee under the franchise shall become the subject of eminent domain proceedings by the city, the city reserves and

shall have the right at the time such proceedings are commenced, or at any time thereafter, to terminate said franchise by resolution. (Prior code § 7649)

18.08.740 Continuity of service mandatory.

It shall be the right of all subscribers to receive all available services insofar as their financial and other obligations to the grantee are honored. In the event that the grantee elected to overbuild, rebuild, modify, or sell the system, or the grantor revokes or fails to renew the franchise, the grantee shall do everything in its power to ensure that all subscribers receive continuous, uninterrupted service regardless of the circumstances during the lifetime of the franchise. In the event of purchase by the grantor, or a change of grantee, the current grantee shall cooperate with the grantor to operate the system for a temporary period in maintaining continuity of service to all subscribers. (Prior code § 7650)

18.08.750 Financial disclosure of independent consultant.

A. Any individual, partnership or corporation employed by the city for the purpose of advising the city, its Council, Commissions, Chief Administrative Officer, or staff on matters relating to cable television, or reviewing and evaluating, or assisting the city in reviewing and evaluating proposals for the construction and operation of a cable television system(s), or regulating or assisting the city in regulating a cable television system shall, as a term condition of their employment, file within ten (10) days of the date of employment with the city clerk a statement containing:

1. A listing and description of any financial and/or ownership held by the consultant in any cable television company, any subsidiary or affiliate of any cable television company, any company which is a supplier or customer of any cable television company, or any other company which owns stock or has any interest in any of those types of companies which are described in this section. If the consultant is a partnership, the financial and/or ownership interests in cable television company affiliates, subsidiaries, suppliers, and customers of any partner must be disclosed. If the consultant is a corporation, the financial and/or ownership interests in cable television companies, affiliates, subsidiaries, suppliers, and customers of any shareholder, officer, or directors must be disclosed.

2. A listing and description of any cable television company, affiliate, subsidiary, supplier, or customer which the consultant has represented, on a compensated or noncompensated basis, within the last fifteen (15) years.

B. **Statement—Public Document.** The statement filed pursuant to this section shall be a public document open to inspection by any person. Failure to file this statement, or the inclusion of a material misrepresentation or omission within the statement, shall constitute grounds for the city's termination of the employment contract. This provision shall not apply to individuals who are subject to the reporting requirements of the "Political Reform Act of 1974" (California Government Code Sections 81000 et seq.) under the local Conflict of Interest Code if the disclosures required by the Code are substantially similar to those of this section. (Prior code §§ 7651—7651.1)

Article XI. Miscellaneous Provisions

18.08.760 Franchise authorizes grantee certain privileges.

A franchise granted to provide service within the city may authorize and permit the grantee to solicit, sell, distribute, and make a charge to subscribers within the city for connection to the cable television system of grantee, and shall also authorize and permit the grantee to traverse any portion of the city in order to provide service outside the city. (Prior code § 7652)

18.08.770 Restricted franchises authorized.

A franchise, easement, license or other permit granted to anyone other than the grantee to traverse any portion of the city in order to provide service outside the city shall not authorize nor permit said person to solicit, sell, distribute or make any charge to subscribers within the city nor to render any service or connect any subscriber within the city to the cable television service system of grantee. (Prior code § 7652.1)

18.08.780 Franchise not to be valued by court or other authority.

No franchise granted under this chapter shall ever be given any value by a court or other authority, public or private, in any proceedings of any nature or character, wherein or whereby the city shall be a party or affected therein or thereby. (Prior code § 7652.2)

18.08.790 Grantee subject to all laws.

Grantee shall be subject to all provisions of the El Monte Municipal Code, rules, regulations, and specifications of the city heretofore or hereafter adopted including, but not limited to, those pertaining to works and activities in, on, over, under, and about streets. (Prior code § 7652.3)

18.08.800 Grantee's rights in streets subordinate to other lawful occupancies.

Any privilege claimed under any franchise granted pursuant to this chapter in any street or other public property shall be subordinate to any prior lawful occupancy of the streets or public property. (Prior code § 7652.3.1)

18.08.810 Grantee subject to laws of state.

Grantee also shall be subject to the provisions of general laws of the state, or as hereafter amended, when applicable to the exercise of any privilege contained in any franchise granted under this chapter including, but not limited to, those pertaining to works and activities in and about state highways. (Prior code § 7652.3.2)

18.08.820 Prohibitions.

Grantee shall be prohibited from directly or indirectly doing any of the following:

A. Engaging in the business of selling at retail, leasing, renting, repairing or servicing of television sets or radios;

B. Imposing a fee or charge for any service or repair to subscriber-owned receiving devices except for the connection of its service or for the determination by grantee of the quality of its signal to the recipients thereof;

C. Soliciting, referring, or causing or permitting the solicitation or referral of any subscriber to persons engaged in any business herein prohibited to be engaged in by grantee;

D. Providing information concerning the viewing patterns of identifiable individual subscribers to any person, group or organization for any purpose. (Prior code § 7652.4)

18.08.830 Federal preemption.

If the Federal Communications Commission or the Public Utilities Commission of the state or any other federal or state body or agency shall now or hereafter exercise any paramount jurisdiction over the subject matter of any franchise granted under this chapter then to the extent such jurisdiction shall preempt or preclude the exercise of like jurisdiction by the city, the jurisdiction of the city shall cease and no longer exist. (Prior code § 7652.5)

18.08.840 City Clerk as filing officer.

When not otherwise prescribed herein, all matters herein required to be filed with the city shall be filed with the City Clerk. (Prior code § 7652.6)

18.08.850 Grantee shall not refuse service.

No person, firm or corporation within the service area of the grantee, and where trunk lines are in place, shall be refused service; provided, however, that the grantee shall not be required to provide service to any subscriber who does not pay the applicable connection fee or service charge. (Prior code § 7652.7)

18.08.860 Notice of grantee to subscribers.

Before providing cable television service to any subscriber, the grantee shall provide a written notice to the subscriber substantially as follows:

Subscriber is hereby notified that in providing cable television service the grantee is making use of public rights-of-way within the City of El Monte and that the continued use of such rights-of-way is in no way guaranteed. In the event the continued use of such rights-of-way is denied to grantee for any reason, grantee will make every reasonable effort to provide service over alternate routes. By accepting cable television service, subscriber agrees he will make no claim nor undertake any action against the City of El Monte, its officers, or its employees if the service is to be provided hereunder is interrupted or discontinued.

(Prior code § 7652.8)

18.08.870 Prior city approval of grantee's subscription contract.

The form of the grantee's contract with the subscriber shall also be subject to approval of the city. (Prior code § 7652.9)

18.08.880 Grantee to purchase other systems at option of city.

Grantee may be required, at the option of the city, to purchase from the city any cable television systems purchased through a negotiated sale or taken through eminent domain by the city at a price equal to the city's total cost including attorneys' and appraisers' fees and other costs of negotiation and/or litigation. Grantee shall be required to operate said system as part of its systems, without interruption of service, subject to the terms and conditions of grantee's franchise and this chapter. (Prior code § 7652.10)

Article XII. Equal Opportunity Employment and Affirmative Action Plan

18.08.890 Nondiscrimination.

In the carrying out of the construction, maintenance and operation of the cable television system, the grantee shall not discriminate against any employee or applicant for employment because of race, creed, color, sex, age, or national origin. (Prior code § 7653)

18.08.900 Affirmative action.

The grantee shall take affirmative action to ensure that applicants are employed, and that employees are treated during employment without regard to their race, age, creed, color, sex, or national origin. Such action shall include, but not be limited to, the following: employment, upgrading, demotion or transfer, recruitment for recruitment advertising, layoff or termination, rates of pay or other forms of compensation, and selection of training including apprenticeship. (Prior code § 7653.1)

18.08.910 Posting by grantee.

The grantee shall post in conspicuous places, available to employees and applicants for employment, notices setting forth the provisions of this nondiscrimination clause. (Prior code § 7653.2)

18.08.920 Publication by grantee.

The grantee shall, in all solicitations, or advertisements for employees placed by or on behalf of the grantee, state that all qualified applicants shall receive consideration for employment without regard to race, creed, color, age, sex or national origin. (Prior code § 7653.3)

18.08.930 Contract and subcontractors.

The grantee shall incorporate the foregoing requirements in all of its contract for work relative to construction, maintenance and operation of the cable television system, other than contracts for standard commercial supplies or raw materials, and shall require all of its contractors for such work to incorporate such requirements in all subcontracts for such work. (Prior code § 7653.4)

Article XIII. Violations

18.08.940 Unlawful to operate without franchise.

A. From and after the effective date of the ordinance codified in this chapter, it is unlawful for any person to construct, install or maintain within any public street in the city, or within any other public property of the city,

or within any privately-owned area within the city which has not yet become a public street but is designated or delineated as a proposed public street on any tentative subdivision map approved by the city, any equipment or facilities for distributing any television signals or radio signals through a cable television system, unless a franchise authorizing such use of such street or property or area has first been obtained pursuant to the provisions of this chapter, and unless such franchise is in full force and effect.

B. It is unlawful for any person, firm or corporation to make or use any unauthorized connection, whether physically, electrically, acoustically, inductively or otherwise, with any part of a franchised cable television system within this city for the purpose of enabling himself or herself or others to receive or use any television signal, radio signal, picture, program or sound, without payment to the owner of said system.

C. It is unlawful for any person, without the consent of the owner, to wilfully tamper with, remove or injure any cables, wires or equipment used for distribution of television signals, radio signals, pictures, programs or sound. (Prior code §§ 7654—7656)

within the franchisee's or licensee's control. The proper address of the franchisor or licensor to which complaints may be directed shall be included in such notice. (Prior code § 7658)

18.08.950 Complaint of subscriber and penalty.

If a subscriber files in writing with the franchisor a complaint for a service problem which is preventable and reasonably within the franchisee's or licensee's control, and if such franchisee or licensee fails within a reasonable period following receipt of written notice by the franchisor to remedy the problem, the franchisor may levy a penalty of up to five hundred dollars (\$500.00) for any occurrence or series of related occurrences unless the franchisee or licensee has fewer than five thousand (5,000) subscribers, in which case the penalty shall not exceed two hundred dollars (\$200.00). If the franchisee or licensee objects to the penalty in writing to the franchisor, the franchisee or licensee and franchisor shall conduct arbitration in accordance with the rules of the American Arbitration Association. The decision of the arbitrator shall be final. (Prior code § 7657)

18.08.960 Notice by grantee of sanctions to subscribers.

The franchisee or licensee shall provide written notice to each subscriber at intervals of not more than one year of the sanctions provided in this section and of the procedure for reporting and resolving subscriber complaints including the subscriber's right to complain in writing to the franchisor of the franchisee's failure to resolve a service complaint which is preventable and reasonably

Chapter 18.12**WASTE COLLECTION AND RECYCLING
FRANCHISES****Sections:**

- 18.12.010 Findings.**
- 18.12.020 Effect of declaration of exclusivity.**
- 18.12.030 Designation of area for exclusive waste franchise.**
- 18.12.040 Exclusive franchise.**

18.12.010 Findings.

The City Council of the city of El Monte does find, determine and declare as follows:

A. That waste collection and recycling services are presently the subject of nonexclusive franchises issued by the city to various private legal entities; and

B. That there are certain relatively small areas of the city where an exclusive franchise for waste collection and recycling services is required because of the nature of such areas; and

C. Whenever the City Council, after public hearing, determines that a particular area because of characteristics peculiar to such area needs an exclusive waste and recycling collection the City Council may issue to a qualified entity an exclusive franchise for such limited geographic area. (Ord. 2493 § 1 (part), 1999: prior code § 5275)

18.12.020 Effect of declaration of exclusivity.

The City Council may determine, after a duly noticed public hearing shall declare and order that a specific area of the city shall be made subject to an exclusive franchise for waste collection and recycling services, if the City Council finds that the following conditions exist:

A. That there are multiunit family, commercial or industrial developments in the area which do not provide adequate waste collection services for occupants or tenants; and/or

B. That if there is a refuse accumulation resulting and/or unhealthy conditions and/or deterioration of values of property in the immediate area; and/or

C. That tenants from properties without adequate waste collection services are using waste containers provided for the use of tenants on adjacent properties and are doing so without permission or the knowledge or consent of the owners of the adjacent properties; and/or

D. That a substantial number of the properties in the area in question, are not served by waste collection providers by reason of the failure of property owners to

compensate waste collectors to provide for such services. (Ord. 2493 § 1 (part), 1999: prior code § 5276)

18.12.030 Designation of area for exclusive waste franchise.

Following such a public hearing if the City Council makes the findings required by Section 18.12.020, it shall determine and order that an exclusive franchise be granted for waste collection and recycling services within such area, such action shall be by resolution which shall specifically describe the area to which the exclusive franchise shall apply. (Ord. 2493 § 1 (part), 1999: prior code § 5277)

18.12.040 Exclusive franchise.

An exclusive franchise for a particular geographic area shall be issued by order of the City Council after the city has received responses to a request for proposal; thereafter, The City Council shall select a qualified person or entity to whom the franchise shall be issued. The City Council shall grant such an exclusive franchise upon such terms and conditions as it deems appropriate given the nature of the area to which the franchise shall apply. (Ord. 2493 § 1 (part), 1999: prior code § 5278)

1. Within ninety (90) days after the end of each calendar year, grantee shall submit a written report to grantor with respect to the preceding calendar year in a form approved by grantor, including, but not limited to, the following information:

a. A summary of the previous year's cable system activities and developments, including but not limited to, services begun or discontinued during the previous year;

b. A list of grantee's officers, directors and/or managing employees;

c. A list of the partners, general and limited, of the applicant, if the applicant is a partnership; the percentage of stock owned or controlled by each stockholder having a five (5) percent or greater interest, if the applicant is a corporation; and the holder(s) of any controlling interest as well as the holder(s) of any equity interest of greater than five (5) percent and the magnitude of such an equity interest, if the applicant is a limited liability company;

d. An indication of any residential and commercial areas in grantee's service area where service is not available, and a schedule for providing service;

e. Information as to:

i. The number of homes passed,

ii. Total subscribers, and

iii. The overall number of subscribers and the number of subscribers who subscribe to the following services: (a) the lowest priced analog tier which includes the retransmission of local television broadcast signals; (b) each other analog video programming tiers, listed separately by name; (c) premium cable services; (d) digital programming services; (e) high-speed data or "cable modem" services; and (f) other categories of cable services grantee introduces to the service area and for which grantor requests information concerning subscriber levels;

f. A full and complete set of plans and record drawings showing the locations of the cable system installed or in use in the city, exclusive of subscriber service drops and equipment provided in subscriber's homes. It is the intent of this section that grantor have a complete set of plans and records drawings. After the initial submission of a complete set of drawings, grantee may satisfy the provisions of this section by providing updated portions of those sections of the drawings which have changed;

g. Any other information relevant to this chapter, any applicable franchise agreement, and cable system franchise regulation.

2. Upon request, grantee shall submit to grantor copies of all pleadings, applications and reports submitted by grantee to any federal, state or local court, regulatory agency, or other governmental body as well as copies of

all decisions issued in response to such pleadings, applications and reports.

3. Information otherwise confidential by law and so designated by grantee, which is submitted to grantor, shall be retained in confidence by grantor and its authorized agents and shall not be made available for public inspection.

4. If grantee or a parent is publicly held, grantee shall submit to grantor a copy of each annual and other periodic reports pertaining to grantee and/or its parent, within forty-five (45) days of the publication of such a report.

5. Upon grantor's request, but no more than annually, grantee shall submit to grantor a privacy report indicating the degree of compliance with the provisions contained in Section 18.08.150(F)(3), (4) and (6) of this chapter and all steps taken to assure that the privacy rights of individuals have been protected.

6. All reports required under this chapter, except those required by law to be kept confidential, shall be available for public inspection in grantor's offices during normal business hours.

7. All reports and records required to be delivered to grantor under this chapter shall be furnished at the sole expense of grantee, except as otherwise provided in a franchise agreement.

8. Grantee's failure to timely file any of the reports required as and when due under this chapter may be deemed a material breach of the franchise agreement if such reports are not provided to grantor within thirty (30) days after written request therefor, and may subject grantee to all remedies, legal or equitable, which are available to grantor under this chapter or the franchise agreement.

9. Any materially false or misleading statement or representation made by grantee in any report required under this chapter or under the franchise agreement may be deemed a material breach of the franchise and may subject grantee to all remedies, legal or equitable, which are available to grantor.

C. Opinion Survey. Upon written request of grantor, but not more than once every two (2) years, grantee shall conduct a subscriber satisfaction survey pertaining to grantee's quality of service provided in the service area. Prior to grantee's dissemination or conduct of such a survey, grantee shall: (i) provide to grantor a written draft list of the questions to be included in the survey and a description of the survey's format and methodology; and (ii) discuss with grantor any questions or concerns grantor has regarding these matters. Grantee may include this survey with an invoice for cable services. The results of such survey shall be provided to grantor on a timely

basis. The cost of such survey shall be borne by grantee. (Ord. 2509 § 10, 2000)

18.08.110 Review of cable system performance.

A. Biennial Review.

1. Every two (2) years throughout the term of each franchise, upon receipt of a prior written directive issued by grantor, grantor and grantee shall meet publicly to review cable system performance and quality of service. The various reports required by this chapter, the results of technical performance tests, the record of subscriber complaints and grantee's response to those complaints, and the information acquired in any subscriber surveys, and any other relevant information shall serve as the basis for this review. In addition, any subscriber may submit comments or complaints during the review meetings, either orally or in writing, and these complaints and comments shall be considered during this review.

2. If grantor determines that grantee is not in compliance with the requirements of this chapter or grantee's franchise agreement, grantor shall provide grantee, in the form of written findings, the specific details of each instance and/or type of alleged noncompliance. Grantor may then direct grantee to:

- a. Correct the area(s) of noncompliance within a reasonable period specified by grantor;
- b. Initiate remedial action within a reasonable period specified by grantor and diligently achieve full compliance by a reasonable deadline established by grantor; or

c. Demonstrate that the allegations of noncompliance are incorrect.

3. Failure of grantee to take the corrective actions described in subsection (A)(2) of this section, after due notice, shall be considered a material breach of the franchise agreement, and grantor may exercise any appropriate remedy allowed by this chapter and the franchise agreement.

B. Special Franchise Performance Review. Whenever repeated complaints or other evidence cast reasonable doubt on the reliability or quality of grantee's cable service and grantee's compliance with the requirements of this chapter or grantee's franchise; grantor may require grantee to test, analyze and report on the performance of the cable system, in order to protect the public against substandard cable service. Grantor may not compel grantee to provide such tests or reports unless and until grantor has provided grantee with at least thirty (30) days prior written notice of its intention to exercise its rights under this subsection and has provided grantee with an opportunity to be heard prior to its exercise of such rights.

Grantee shall conduct such test or tests and deliver the report to grantor—at grantee's sole cost—no later than thirty (30) days after grantor notifies grantee in writing that grantee is exercising such right. Such report shall include the following information: (i) the nature of the complaints which precipitated the special tests; (ii) the cable system component(s) tested and the equipment used and procedures employed in said testing; (iii) the results of such tests; and (iv) the method by which any complaints were resolved. Grantee shall also record any other pertinent information concerning such special tests. (Ord. 2509 § 11, 2000)

18.08.120 Franchise violations.

A. Procedures for Addressing Franchise Violations. If grantee fails to perform in a timely manner any obligation required by this chapter or a franchise agreement, or if grantee otherwise violates a provision of this chapter or a franchise agreement; following reasonable written notice from grantor and a reasonable opportunity to cure such nonperformance or other violation in accordance with the provisions of this chapter and of the franchise, grantor may at its option and in sole discretion undertake any of the following:

1. Cure the violation and recover the actual cost thereof from the security fund established in the franchise agreement, if such violation is not cured within thirty (30) days after written notice to grantee of grantor's intention to cure and draw upon the security fund;

2. Assess against grantee liquidated damages in an amount set forth in this chapter or a franchise agreement for any such violations if such violation is not cured within thirty (30) days after grantee's receipt of written notice of grantor's intention to assess liquidated damages, or if grantee has not commenced a cure on a schedule reasonably acceptable to grantor within thirty (30) days after receipt of such written notice of grantor's intention to assess liquidated damages. Such liquidated damages may be withdrawn from the security fund, and shall not constitute a waiver by grantor of any other right or remedy grantor may have under this chapter, the franchise agreement, or applicable law, including without limitation, grantor's right to recover from grantee such additional damages, losses, costs and expenses, including actual attorney's fees incurred by grantor due to grantee's failure to timely cure the applicable franchise breach.

B. Nonrevocation Procedures for Remedying Franchise Violations.

1. Prior to imposing any remedy or other sanction against grantee specified in this chapter, grantor shall give grantee notice and opportunity to be heard on the matter, in accordance with the following procedures.

2. Grantor shall first notify grantee of the alleged violation in writing and demand that grantee provide grantor with written evidence of having taken action fully correcting the deficiency or evidence that no violation exists. Grantee's response shall be due: (i) not be less than fifteen (15) business days after grantee's receipt of this notification, in the case of grantee's failure to pay any sum or other amount due grantor under this chapter or grantee's franchise; and (ii) not less than thirty (30) business days after grantee's receipt of this notification concerning other alleged types of violations.

Grantor shall provide grantee written notice of not less than thirty (30) days of a public hearing to be held before the City Council, if grantee fails to:

a. Correct the alleged violation within the time prescribed; or

b. Commence correction of the alleged violation within the time prescribed and diligently remedy such alleged violation thereafter; or

c. Provide evidence that there is no violation.

Said notice shall set forth in detail each of the violations alleged to have occurred.

3. Subsequent to the public hearing, the City Council shall hear and consider all other relevant evidence, and thereafter render findings and its decision.

4. The proceedings shall terminate and no penalty or other sanction shall be imposed against grantee, if the City Council finds that:

a. Grantee has corrected the alleged violation; or

b. Grantee has diligently commenced correction of such alleged violation after notice thereof and is diligently proceeding to fully remedy such alleged violation pursuant to a schedule reasonably satisfactory to the City Council; or

c. No material violation has occurred.

5. The City Council may impose one or more of the remedies provided in this chapter and the franchise agreement as the City Council, in its discretion, deems appropriate under the circumstances, if the City Council finds that a violation exists and that grantee:

a. Has not corrected the violation in a satisfactory manner; or

b. Has not diligently commenced correction of such violation after notice thereof and is not diligently proceeding to fully remedy such violation.

C. Grantor's Power to Revoke a Franchise.

1. Grantor may revoke any franchise granted pursuant to this chapter and rescind all rights and privileges associated with the franchise under the following circumstances:

a. Grantee has failed to perform any of its material obligations under this chapter or the franchise agreement

and continues such failure to perform after receipt of due notice and a reasonable opportunity to cure;

b. Grantee has engaged in a breach of a franchise agreement or this chapter deemed "material" in the franchise agreement or this chapter;

c. Grantee has failed to provide or maintain in full force and effect the insurance coverage and/or security fund required by this chapter or a franchise agreement;

d. Grantee has violated an order or ruling of any regulatory body (including the City Council) having jurisdiction over grantee's franchise;

e. Grantee has knowingly engaged in a course of conduct intentionally designed to practice a fraud or deceit upon the city, any subscriber, or any other person;

f. Except as provided in Section 18.08.140(D) of this chapter, grantee has become insolvent, unable or unwilling to pay its debts, or is adjudged bankrupt;

g. Grantee has failed to timely provide any information or documents required by any provision of this chapter or a franchise agreement, after receiving a written request for such information from the city;

h. Grantee has failed to satisfy the requirements regarding the cable system characteristics described in this chapter or in a franchise agreement or grantee has repeatedly failed to meet the cable system technical performance, electrical code, or construction code standards described in this chapter or in a franchise agreement;

i. Grantee has failed to timely provide cable service to any person as required by this chapter or a franchise agreement, after receiving a written request from the city to provide such cable service;

j. Grantee has failed to comply with the standards, terms, or schedule for cable system construction, as required by this chapter or a franchise agreement;

k. Grantee has substantially failed to maintain the mix, level, and quality of cable services within the broad categories of video programming and other cable services described in a franchise agreement; however, no provision in this chapter shall imply any regulatory authority or power of censorship by the city over the content of programming on channels controlled by grantee, commercial leased access channels, or public access programming;

l. Grantee has abandoned a cable system, in whole or in material part, without the prior written consent of the City Council;

m. Grantee has repeatedly failed to comply with the commercial leased access requirements of Section 612 of the Cable Act (47 U.S.C. § 532);

n. Grantee has substantially failed to supply or fund the PEG access facilities required by a franchise agreement;

o. Grantee has repeatedly imposed nonstandard installation or other charges for cable service which are discriminatory, or which are inconsistent with Section 18.08.060(A)(1) of this chapter.

p. Grantee has repeatedly failed to comply with the nondiscrimination or equal employment provisions incorporated in Section 18.08.150(F) of this chapter;

q. Grantee has repeatedly failed to comply with the customer service standards and requirements set forth in this chapter;

r. Grantee has repeatedly failed to comply with the privacy rights of subscribers provided herein, or with the provisions of Section 631 of the Cable Act (47 U.S.C. § 551) or Section 637.5 of the state of California Penal Code;

s. Grantee has repeatedly failed to make any franchise fee payment required by a franchise agreement or by Section 18.08.080 of this chapter, or any other payment required by a franchise agreement or by this chapter;

t. Grantee has repeatedly failed to comply with any rules, regulations, orders or other directives of the city, issued pursuant to the city's police powers;

u. Grantee has undertaken a material action which requires the approval or consent of the City Council, including the transferring or changing of control of a franchise, without having first obtained the City Council's prior approval or consent;

v. Grantee has failed to cooperate fully and faithfully with any lawful investigation, audit or inquiry conducted by the city or any person lawfully acting on behalf of the city;

w. Grantee has issued a written misrepresentation, intentionally made by or on behalf of grantee in a proposal for a franchise, or in connection with the negotiation or renegotiation of a franchise, or any amendment or other modification to a franchise, or in connection with an application, request, or negotiation for a franchise transfer or change in control;

x. Grantee, any affiliated person, any director or executive officer of grantee or of an affiliated person, or any employee or agent of grantee or of any affiliated person acting under the express direction or with the actual consent of grantee, its directors or officers, has been convicted of a criminal offense, including, without limitation, bribery, fraud or obscenity, arising out of or in connection with a franchise granted by the city or the award of such a franchise, provided that the right to terminate the franchise in the event of said conviction

shall arise only with respect to any of the foregoing types of convictions of grantee itself and, in the event of the conviction of any other persons specified in this subparagraph, only if grantee fails to disassociate itself, from or terminate the employment of, such other persons with respect to activities in the franchise area or any other activities affecting a cable system within the city's territorial limits, within thirty (30) days after the time in which appeals from such conviction may be taken, if not taken, or within thirty (30) days following the final determination of all appeals which are in fact taken;

y. Any city officer, official, board member, employee, or agent is convicted of the offense of bribery or fraud with respect to the franchise held by grantee and which arises out of or in connection with any intentional action by grantee, any affiliated person, any director or executive officer of grantee or of any affiliated person, or of any employee or agent of grantee or of any affiliated person acting under the express direction or actual consent of grantee or any of the foregoing, which act was undertaken for the benefit of grantee;

z. Grantee or any affiliated person, or any director or officer of grantee or any affiliated person, or any employee or agent of grantee or any affiliated person acting under the express direction or with the actual consent of grantee knowingly makes a material false entry or false statement in any document to be distributed to the city or upon which the city may rely.

2. After the city has satisfied the procedures set forth in subsection B of this section, the City Manager may request that the City Council revoke a franchise.

a. The City Council shall begin a public hearing, which may continue from time to time, within sixty (60) days of the City Manager's request. The City Council shall ensure that grantee is served with written notice of the City Council's intent to consider revoking grantee's franchise at least thirty (30) days prior to the date of the hearing on the issue. Prior to this hearing, the City Council shall provide grantee and the public written notice of the time and place of the hearing at least ten (10) days prior to the date of the hearing. Such notice to grantee shall be delivered by personal service or by mailing a copy of the notice thereof, postage prepaid.

b. i. The City Council need not conduct this public hearing according to the technical rules relating to evidence and witnesses. Any relevant evidence shall be admitted if it is the type of evidence about which reasonable persons are accustomed to rely in the conduct of serious affairs, including hearsay evidence, provided that such evidence alone shall be insufficient to support a finding unless it would be admissible over objection in civil actions in courts of competent jurisdiction in this

state. The City Council may prevent the introduction of irrelevant evidence.

ii. At this hearing, the City Council shall hear any person interested in the revocation.

iii. At this hearing, the City Council shall hear oral evidence taken only on oath or affirmation. The City Council may take official notice of any fact which may be judicially noticed by the courts of this state or of official records of departments and ordinances of the city, provided that the parties are informed of the matters to be noticed, the matters are noted in the record, and the parties are given a reasonable opportunity to refute the officially noticed matters.

iv. Each party to this hearing shall be entitled to the following procedural rights:

(A) To call and examine witnesses on any matter relevant to the issues of the hearing;

(B) To introduce documentary and physical evidence;

(C) To cross-examine opposing witnesses on any matter relevant to the issues of the hearing;

(D) To impeach any witness regardless of which party first called the witness to testify;

(E) To rebut the evidence; and

(F) To be represented by anyone who is lawfully permitted to provide such representation.

v. Grantor shall ensure that a record of this hearing shall be made and duly preserved, provided that the grantee reimburse the city for the total cost of preparing such a record before a copy of the record is made available to grantee.

c. Within ninety (90) days of the conclusion of the hearing, the City Council shall issue a written decision regarding any alleged breach of the franchise and the recommended franchise revocation. If grantor determines that grantee has committed a material breach, then grantor may:

i. Declare the franchise revoked and any security fund and bond forfeited, in whole or in part; or

ii. If the material breach is curable by grantee; at grantor's discretion, direct grantee to take appropriate remedial action within the time and manner and under the terms and conditions reasonably specified by grantor.

The termination and forfeiture of grantee's franchise shall in no way affect any right of grantor to pursue any remedy under the franchise or any provision of law. (Ord. 2509 § 12, 2000)

18.08.130 Force majeure provisions.

A. In the event grantee's performance of any of the terms, conditions or obligations required by this chapter or a franchise granted hereunder is prevented by a cause or event not within grantee's control, such inability to perform shall be deemed excused and no penalties or sanctions shall be imposed as a result thereof, but only to the extent such cause or event prevents grantee from performing its franchise agreement obligations. Furthermore, the inability to perform shall not relieve a grantee from the obligations imposed by Section 18.08.060(C)(3) of this chapter pertaining to refunds and credits for interruptions in service.

B. For purposes of this section, the causes or events not within the control of grantee are the following: acts of God, war, strikes, sabotage, riots or civil disturbances, labor disputes, restraints imposed by order of a governmental agency or court, explosions, acts of public enemies, and natural disasters such as floods, earthquakes, landslides, and fires.

C. For purposes of this section, causes or events within the control of grantee shall include: (i) financial inability of grantee to perform or failure of grantee to obtain any necessary permits or licenses from other governmental agencies or the right to use the facilities of any public utility, where such failure is due solely to the acts or omissions of grantee; or (ii) the failure of grantee to secure supplies, services or equipment necessary for the installation, operation, maintenance or repair of the cable system, where grantee has failed to exercise reasonable diligence to secure such supplies, services or equipment. (Ord. 2509 § 13, 2000)

18.08.140 Abandonment or removal of franchise property.

A. Cable System Facilities Abandonment or Removal.

1. If grantee discontinues the use of any of its property within the public rights-of-way for a continuous period of twelve (12) months, such property shall be deemed to have been abandoned by grantee. Any part of the cable system that is parallel or redundant to other parts of the cable system and is intended for use only when needed as a backup for the cable system or a part thereof, shall not be deemed to have been abandoned because of its lack of use.

2. Grantor may give grantee permission to abandon, without removing, any cable system facility or equipment laid, directly constructed, operated or maintained under the franchise. Unless such permission is granted by the city, grantee shall remove all abandoned facilities and equipment upon receipt of written notice from grantor

and shall restore to grantor's satisfaction any affected public right-of-way. In removing its plant, structures and equipment; grantee shall refill, at its own expense, any excavation for which grantee has been responsible and shall leave all public rights-of-way in as good condition as that prevailing prior to such removal, without materially interfering with any electrical or telephone cable or other utility wires, poles, or attachments. Grantor shall have the right to inspect and approve the condition of the public rights-of-way, cables, wires, attachments and poles prior to and after removal. The liability, indemnity and insurance provisions of this chapter and the security fund as provided herein shall continue in full force and effect during the period of removal and until full compliance by grantee with the terms and conditions hereof.

3. Upon grantor's approval of the abandonment of any franchise property; grantee, if required by grantor, shall submit to grantor an instrument, satisfactory in form to grantor, transferring to grantor the ownership of the abandoned franchise property.

4. At the expiration of a franchise term, without renewal or extension of the franchise, or upon the revocation of a franchise, grantor shall have the right to require grantee to remove, at its own expense, all portions of the cable system from all public rights-of-way within the service area, within a reasonable period of time, which shall not be less than one hundred eighty (180) days.

B. Restoration or Removal of the Cable System by Grantor: Reimbursement of Grantor's Costs. Upon reasonable written notice and upon the failure of grantee to commence, pursue or complete any work to be done in any public right-of-way required by law or by the provisions of this chapter or the franchise agreement, within the time prescribed and to the reasonable satisfaction of grantor; grantor may cause the work to be commenced and/or completed. Grantor shall provide to grantee an itemized work order setting forth in detail the exact nature of the work completed and the supplies used in such work. Grantee shall pay to grantor its documented costs for such work no later than thirty (30) days after grantee's receipt of an itemized work order.

C. Extended Operation and Continuity of Services. Upon expiration or revocation of the franchise, grantor may permit grantee to continue to operate the cable system for an extended period of time. Grantor shall provide any such permission in writing, which shall constitute an extension of the franchise for the term specified in such written permission. Such a franchise extension, however, shall not revive any franchise renewal rights or any other rights grantee may have previously lost, except to the extent explicitly stated in writing by the City Council.

During such a franchise extension, grantee shall continue to operate the cable system under the terms and conditions of this chapter and the franchise and to provide to all subscribers the regular cable service and any and all of the related services that may be provided at the time of franchise expiration or revocation. All subscribers shall be entitled to continue subscribing to and receiving all available services, to the extent that they have met their financial and other obligations to grantee. Grantee shall use reasonable efforts to provide continuous, uninterrupted service to its subscribers, including operation of the cable system during transition periods following franchise expiration or termination.

D. Receivership and Foreclosure.

1. At the option of grantor and subject to applicable law, the City Council may revoke a franchise one hundred twenty (120) days after the appointment of any receiver or trustee to take over and conduct the business of grantee, whether in a receivership, reorganization, bankruptcy or other action or proceeding, unless:

a. The receivership or trusteeship shall have been vacated within said one hundred twenty (120) days; or

b. Said receiver(s) or trustee(s), within said one hundred twenty (120) days, shall have remedied all the defaults under the franchise or provided a plan for the remedy of such defaults which is satisfactory to grantor; or

c. Said receiver(s) or trustee(s), within said one hundred twenty (120) days, shall have executed an appropriate court-approved agreement, whereby such receivers or trustees assume and agree to be bound by each and every term, provision and limitation of the franchise.

2. In the case of a foreclosure or other judicial sale of the cable system, in whole or in part; grantor may serve notice of revocation upon grantee and the successful bidder at such sale, and all rights and privileges of grantee hereunder shall be revoked thirty (30) days after service of such notice, unless:

a. Grantor shall have approved the transfer of the franchise to the successful bidder, in the manner provided by law; and

b. The successful bidder shall have covenanted and agreed with grantor to assume and be bound by all terms and conditions of the franchise, and the successful bidder shall have demonstrated to grantor's reasonable satisfaction the successful bidder's ability to meet these terms and conditions. (Ord. 2509 § 14, 2000)

18.08.150 Reservation of grantor and subscriber rights.

A. Reservation of Grantor Rights. In addition to any

rights specifically reserved to grantor by this chapter, grantor reserves to itself every right and power vested in grantor by applicable law.

B. The City Reserves the Right to Adopt Additional Terms, Conditions and Regulations Pursuant to the City's Police Power, Taxation Powers, and Powers of Eminent Domain. The city reserves the right, and in accepting a franchise, grantee shall acknowledge and accept the city's right, to adopt, to incorporate into this chapter and to incorporate by reference into any franchise agreement, any additional rules, regulations, terms, conditions authorized or permitted by state or federal law as the City Council finds necessary in the lawful exercise of the city's constitutional powers, the city's police powers to protect the public health, safety or welfare, the city's powers of taxation, and the city's powers of eminent domain. Neither the granting of any franchise by the city nor any provision of this chapter shall constitute a waiver or bar to the lawful exercise of any governmental right or power, including those rights and powers vested in the city.

C. The City's Discretionary Powers.

1. Should there be any significant change to the Cable Act, to the federal regulations promulgated thereunder, or to any other federal or state law which expand the city's discretionary powers pertaining to cable television, and which expanded discretionary powers fall outside the purview of the city's police powers or powers of eminent domain and taxation, grantee shall meet at the request of the city and negotiate in good faith concerning any modifications to a franchise agreement which the city may request or be authorized to request or otherwise secure with respect to such a significant change. Significant changes include, by way of example and not by way of limitation, changes which allow or address the following subjects:

- a. Municipal regulation of cable system programming;
- b. Increased cable system technical proficiency;
- c. Local requirements for local access channels and financial support of local access and/or origination programming;
- d. Municipal acquisition of cable systems;
- e. Permitted franchise fees and gross annual cable service revenues base;
- f. Services for senior or the disabled subscribers;
- g. Franchise renewal or transfer procedures;
- h. "Lifeline" or special reduced rate service; and
- i. The definition of "effective competition" with respect to grantee's cable system.

D. Procedures for City Council Adoption of Additional Ordinances, Regulations, Rules, Etc. Each proposed

additional cable system ordinance or regulation adopted by the City Council pursuant to subsections B and C of this section, shall be considered in one or more public hearings before the City Council. Each such proposed ordinance or regulation shall be provided to grantee at least sixty (60) days preceding the first such public hearing. The City shall provide grantee with the opportunity to meet and confer concerning changes to or modifications of such proposed ordinances or regulations. Grantee shall comply with additional ordinances or regulations adopted by the City Council within sixty (60) days of the date of adoption of such ordinances or regulations, unless grantee shall promptly and in writing request of the city a more reasonable extension of time in which to comply, if applicable, under the conditions provided herein. The city shall promptly respond and shall grant such requests for additional time if reasonably necessary to effect compliance, provided that grantee actively and expeditiously attempts to attain compliance with such regulations.

E. Grantor's Waiver of Franchise Provisions.

1. Grantor shall have the right to waive any provision of a franchise agreement, except those required by federal or state law or regulation, if grantor determines that: (i) such a waiver is in the public interest; or (ii) the enforcement of such provision will impose an undue hardship on grantee or its subscribers. To be effective, such a waiver shall be evidenced by a resolution or ordinance approved by the City Council. Waiver of any provision in one instance shall not be deemed a waiver of such a provision subsequent to the granting of the initial waiver nor be deemed a waiver of any other provision of the franchise, unless expressly authorized by grantor's statement.

2. Grantee shall not be excused from complying with any of the requirements of this chapter or the franchise agreement by any failure of grantor on any one or more occasions to require or seek compliance with any such terms or conditions.

F. Rights of Individuals.

1. Grantee shall not deny service, deny access, or otherwise discriminate against subscribers, channel users, general citizens, or residents of the city on the basis of race, color, religion, national origin, age or sex. Grantee shall comply at all times with all other applicable federal, state and local laws and regulations relating to nondiscrimination. However, nothing in this chapter or the franchise shall limit the right of grantee to deny service to any household or individual which has a negative credit or service history with grantee, which may include nonpayment of bills or theft or damage to grantee's equipment, or who has threatened or assaulted an em-

ployee or agent of grantee in the course of their employment or agency.

2. Grantee shall adhere to the applicable equal employment opportunity requirements of federal, state and local regulations, as now written or as amended from time to time.

3. Neither grantee, nor any other person shall—without a subscriber's consent—tap, or arrange for the tapping, of any cable, line, signal input device, or subscriber outlet or receiver for any purpose except routine maintenance of the cable system, detection of unauthorized service, polling with audience participation, or audience viewing surveys to support advertising research regarding viewers, where individual viewing behavior cannot be identified.

4. In the conduct of providing cable services, in the pursuit of any collateral commercial enterprise resulting therefrom, in the use of grantee's cable system or any related system, or while engaged in any related activity; grantee shall take reasonable steps to prevent the interference with privacy and other personal rights held by subscribers and other individuals, as such rights are delineated or defined by applicable law. Unless acting pursuant to a lawful court order or other applicable valid legal authority, grantee shall not use the cable system's interactive two-way equipment or capability, if such equipment or capability exists, for unauthorized personal surveillance of any subscriber or any other individual.

5. No cable line, wire amplifier, converter, or other piece of equipment owned by grantee shall be installed by grantee in the subscriber's premises, other than in appropriate easements, without first securing any required consent. If a subscriber requests service, permission to install grantee's equipment upon the subscriber's property in a manner reasonably satisfactory to the subscriber shall be deemed granted.

6. In accordance with state and federal privacy laws, neither grantee, nor any of its agents, employees, or other representatives, shall sell, or otherwise make available to any party without consent of the subscriber:

a. Any list of the names and addresses of subscribers containing the names and addresses of subscribers who have requested in writing to be removed from such a list; and

b. Any list which identifies the programming viewing activity of individual subscribers, without the prior written consent of such subscribers. However, grantee may distribute to other entities reports of composite subscriber programming viewing activity. (Ord. 2509 § 15, 2000)

18.08.160 Notification of possessory interest responsibilities.

By accepting a franchise and prior to such acceptance, grantee shall acknowledge that notice has been given to grantee that, pursuant to Section 107.6 of the state of California Revenue and Taxation Code, use or occupancy of any public property pursuant to the authorization set forth in this chapter and the franchise may create a possessory interest which may be subject to the payment of property taxes levied upon such a possessory interest. Grantee shall be solely liable for, and shall pay and discharge prior to delinquency, any and all possessory interest taxes or other taxes levied against grantee's right to possession, occupancy or use of any public property pursuant to any right of possession, occupancy or use created by such a franchise. Grantee shall not be barred from challenging such tax on any amounts assessed pursuant thereto. (Ord. 2509 § 16, 2000)

18.08.170 Separability of chapter and franchise agreement provisions.

If any provision of this chapter or a franchise agreement is held by any court or by any federal or state agency of competent jurisdiction, to be invalid as conflicting with any federal or state law, rule or regulation now or hereafter in effect, or is held by such court or agency to be modified in any way in order to conform to the requirements of any such law, rule or regulation, such provision shall be considered a separate, distinct, and independent part of this chapter or the franchise agreement, and such holding shall not affect the validity and enforceability of all other provisions of this chapter and the franchise agreement. In the event that such law, rule or regulation is subsequently repealed, rescinded, amended or otherwise changed, so that the chapter or the franchise agreement provision which had previously been held invalid or modified no longer conflicts with such law, rule or regulation; said chapter or franchise agreement provision shall thereupon return to full force and effect and shall thereafter be binding on grantor and grantee, provided that grantor shall give grantee thirty (30) days written notice of such change before requiring compliance with said chapter or franchise agreement provision or such longer period of time as may be reasonably required for grantee to comply with such provision. (Ord. 2509 § 17, 2000)

Chapter 18.12

SOLID WASTE HANDLING FRANCHISES*

Sections:

- 18.12.010** Authorization to perform solid waste handling services—Franchise required.
- 18.12.020** Award of franchise.
- 18.12.030** Mandatory franchise terms.
- 18.12.040** Limited exception to franchise requirement.
- 18.12.050** Minimum insurance requirements.
- 18.12.060** Minimum indemnification requirements.
- 18.12.070** Source reduction and recycling plan.
- 18.12.071** AB 939 cost recovery special fund.
- 18.12.072** Establishment of fees.
- 18.12.073** Failure to pay fees.
- 18.12.080** Compliance with applicable laws and agreements.
- 18.12.090** Recordkeeping.
- 18.12.100** Hazardous contaminants fund.
- 18.12.110** Suspension and/or revocation of franchise.
- 18.12.120** Definitions.

* Prior history: Prior code §§ 5275—5278, amended by Ord. 2493.

18.12.010 Authorization to perform solid waste handling services—Franchise required.

A. No person shall perform within the territorial boundaries of the city (1) solid waste handling services; or (2) services for the collection, transportation, storage, transfer or processing of recyclable materials where such services are rendered for compensation that results in a net payment to the person rendering the services; without the expressed written consent of the City Council as evidenced by the approval of a franchise granted in accordance with this chapter; and without a valid city business license or other applicable city business permit.

B. In keeping with former El Monte Municipal Code Section 5208 which was adopted by way of Ordinance Nos. 2469 and 2470 on November 18, 1997 and December 16, 1997, respectively; and the subsequent recodification of the same as former Section 8.20.090 (Time Frame to Obtain a Solid Waste Enterprise Franchise Authorization) of former Chapter 8.20 (Solid Waste and Recyclable

Material)), as of the enactment of prior El Monte Municipal Code Section 5208, any person, entity or solid waste enterprise conducting business under a pre-existing license or permit issued by the city in lawful accordance with then established or previously established provisions of the El Monte Municipal Code or other applicable jurisdictional entity, may not continue to provide such services in the city of El Monte absent the award of a franchise in accordance with this chapter. Any franchise awarded pursuant to the terms and conditions of the El Monte Municipal Code as it existed prior to the enactment of Ordinance Nos. 2469 and 2470 shall terminate upon the termination date specified or otherwise provided for under the terms of the agreement and shall not be abrogated by the approval of Ordinance Nos. 2469 and 2470. Any franchise granted or extended after March 15, 2001 shall terminate at a date established at the sole discretion of the City Council as set forth in a duly approved franchise agreement. (Ord. 2702 § 3 (part), 2007)

18.12.020 Award of franchise.

A. Scope of Franchise. The City Council may award one or more franchises for the performance of (1) solid waste handling services; and/or (2) services for the collection, transportation, storage, transfer and/or processing of recyclable materials where such services are rendered for compensation that results in a net payment to the person rendering the services. The City Council may award one more the foregoing franchises for any variety of premises located within the city, including but not limited to residential premises, commercial premises, multifamily premises; for any variety of activities conducted within the city, including but not limited to construction and demolition undertakings; and/or for any specific geographical area within the territorial boundaries of the city. The award of any such franchises shall be memorialized by City Council resolution and shall be formalized, detailed and evidenced by the approval and execution of a corresponding franchise agreement between the person awarded the franchise and the city. The award of any franchise shall be subject to, and consistent with, the terms, conditions and restrictions of the franchise agreement, this chapter and Chapter 8.20 of the El Monte Municipal Code.

B. Franchises Nonassignable. No person awarded a franchise pursuant to this chapter may assign, transfer, novate, subcontract or otherwise delegate any or all performance duties, obligations, rights and/or liabilities under the franchise to any other person without the prior written consent of the City Council. Any request to so assign, transfer, novate, subcontract or otherwise dispose of any or all performance duties, obligations, rights and/or obliga-

tions under the franchise shall require prior written notice as may be set forth under the franchise agreement or upon no less than ninety (90) days prior written notice if no applicable time period is set forth in the franchise agreement. City reserves the right to withhold its consent to any transfer, assignment, novation, subcontracting or delegation in its sole discretion and its decision to withhold its consent include, but are not limited to, the determination that the person to whom the franchise or any portion thereof is to be assigned does not possess the experience; financial ability; personnel and/or equipment capacity; competence; and/or demonstrated reliability to undertake any or all of the performance duties or obligations set forth under the franchise.

C. **City Business License Required.** This section shall apply to all persons awarded a franchise pursuant to this chapter; and persons engaged in any of the exempted activities set forth under Section 18.12.040, below. All persons subject to this section shall be required to obtain a city of El Monte business license and shall conspicuously display any identification stickers or decals issued by the city on the rear of each collection vehicle used within the city of El Monte. (Ord. 2702 § 3 (part), 2007)

18.12.030 Mandatory franchise terms.

Any franchise awarded pursuant to this chapter shall, at a minimum, be consistent with the following:

A. The franchise shall be awarded subject to terms and conditions that are authorized under, or are otherwise consistent with, the California Integrated Waste Management Act of 1989 (California Public Resources Code Section 40000 et seq.) as the same presently exists or as it may be modified or amended from time to time;

B. The franchise shall be awarded subject to terms and conditions that are authorized by, or are otherwise consistent with, the laws, statutes, regulations or rules of any other federal, state or local public agency having jurisdiction over the collection, conveyance, carrying, transportation and/or disposal of solid waste and/or recyclable materials within or from the city of El Monte;

C. The person awarded the franchise shall be required to cooperate with the city with respect to any and all solid waste generation studies; the preparation of waste stream audits, and the submission of any and all information required by the city in order to comply with reporting requirements of AB 939 and other governing legislation;

D. The person awarded the franchise shall be required to implement any and all measures mandated by, or otherwise consistent with, the city's source reduction and recycling element ("SRRE") and the household hazardous waste element ("HHWE") with the objective of allowing

the city to meet diversion goals and other goals mandated under the California Integrated Waste Management Act of 1989 (California Public Resources Code Section 40000 et seq.);

E. The person awarded the franchise shall be required to pay any and all fees as may be established (and from time to time adjusted) by City Council resolution and such other fees as may be established under the terms of a corresponding franchise agreement, including but not limited to administrative fees, franchise fees, AB 939 fees and HHW and e-waste fees;

F. The franchisee shall be required to post a bond to secure its performance under the franchise agreement. The form and amount of the bond shall be set forth in the franchise agreement in amounts approved by the City Council. (Ord. 2702 § 3 (part), 2007)

18.12.040 Limited exception to franchise requirement.

The award of a franchise issued under this chapter shall not be required for the performance of the following activities by the following persons under the limited set of circumstances set forth below:

A. The performance of solid waste handling services as defined under Section 40195 of the California Public Resources Code by a solid waste enterprise that has lawfully provided such service in the city of El Monte for a period of three (3) consecutive years or more pursuant to a nonexclusive franchise, a nonexclusive contract, a license or a permit authorized by the city of El Monte, but only for a period not exceeding five (5) consecutive years from the date of mailed notification from the city of El Monte that exclusive solid waste handling services are to be provided or authorized;

B. The performance of solid waste handling services as defined under Section 40195 of the California Public Resources Code by a solid waste enterprise possessing an exclusive franchise or an exclusive contract to provide such services, but only for the lesser of the following: five (5) consecutive years; or the remaining unexpired term of the exclusive franchise or exclusive contract, whichever the case may be;

C. The performance of any activities falling within the definition of solid waste handling services as defined under Section 40195 of the California Public Resources Code, by any officer, employee or agent of the city of El Monte acting on behalf of the city of El Monte in their official capacity or in the course of their employment or agency;

D. The disposal or composting of green waste in accordance with a program sponsored or authorized by the

city of El Monte by any person possessing a valid business license, and if necessary a valid business permit, authorizing the performance of gardening services, landscape contracting services, tree trimming services or tree removal services. (Ord. 2702 § 3 (part), 2007)

18.12.050 Minimum insurance requirements.

A. Mandatory Varieties of Coverage/Coverage Limits. Any person awarded a franchise pursuant to this chapter shall, at a minimum, procure and at all times maintain throughout the franchise term, the following policies of insurance:

1. Workers' Compensation/Employers Liability Insurance. Workers' compensation and employers liability insurance at limits no less than those limits required under the California Labor Code and employers liability limits in an amount recommended by the City's Risk Manager and the City Attorney but in no event less than one million dollars (\$1,000,000.00) per occurrence;

2. Commercial General Liability Insurance. Commercial general liability insurance with coverage limits of five million dollars (\$5,000,000.00) per occurrence for bodily injury and property damage; and five million dollars (\$5,000,000.00) in the aggregate; or such higher limits as may be recommended by the City's Risk Manager or the City Attorney;

3. Automobile Liability Insurance. Automobile liability insurance with coverage limits of five million dollars (\$5,000,000.00) per accident for bodily injury and property damage; and aggregate limits of five million dollars (\$5,000,000.00); or such higher limits as may be recommended by the City's Risk Manager or the City Attorney.

B. Commercial general liability insurance policies and automobile liability insurance policies mandated under this section shall provide, or be endorsed to provide, that such insurance shall be primary over any other insurance maintained by the city of El Monte. Any insurance maintained by the city of El Monte shall be in excess of, and shall not contribute to, that procured by the person awarded a franchise under this chapter. No coverage procured by a person awarded a franchise under this chapter shall be suspended, voided or canceled except after thirty (30) days' prior written notice by certified mail, return receipt requested, given to the city of El Monte care of the Environmental Services Division.

C. All insurance policies placed with insurers pursuant to this section shall be with carriers admitted to issue such policies of insurance in the state of California and approved by the California Department of Insurance. Except as otherwise authorized by the City's Risk Manager

for the city of El Monte in writing, all policies of insurance shall be procured from carriers with an A.M. Best's rating of no less than A:VII.

D. Except with respect to workers' compensation insurance, all mandated insurance coverages shall be endorsed to name the city of El Monte and its elected or appointed officials, officers, employees, agents and volunteers as additional insureds.

E. As a condition precedent to the performance of any services authorized under the franchise, any person awarded a franchise pursuant to this chapter shall be required to first file certificates and original endorsements evidencing the procurement of any coverages required under this section. In addition, the city of El Monte shall have the right to inspect all insurance policies required under this section.

F. Nothing in this section shall prohibit the city of El Monte from requiring by way of any franchise agreement, insurance requirements and insurance coverage terms in excess of minimum coverage requirements and terms set forth in this section. (Ord. 2702 § 3 (part), 2007)

18.12.060 Minimum indemnification requirements.

A. Any person awarded a franchise under this chapter shall, at a minimum, indemnify, defend and hold free and harmless, the city of El Monte, its elected or appointed officials, officers, employees, volunteers and agents (collectively, the "indemnified parties") from and against any and all claims, losses, fines, penalties, damages, liabilities or judgments, including attorneys fees, arising out of or resulting in any way from the person's conduct of business in the city of El Monte or with respect to operations and actions taken by both the person awarded the franchise and the city of El Monte, unless such a claim against the city is due solely and exclusively to the negligent acts or omissions of the city of El Monte. For purposes of this section, the term "agents" excludes any person awarded a franchise under this chapter.

B. Without regard to any insurance coverages or requirements set forth under this chapter, and without in any way limiting the general indemnification obligation set forth under subsection A, above, any person awarded a franchise under this chapter shall, at a minimum, reimburse, indemnify, and hold free and harmless the indemnified parties, as previously defined under this section, from and against any and all claims, actions, liabilities, damages, demands, judgments, losses, costs, liens, expenses, suits, actions, attorneys' fees, consultant fees, penalties, and any and all other losses, damages, fees and expenses of whatever kind or nature ("claims") (including, but not

limited to, response costs, investigative costs, assessment costs, monitoring costs, treatment costs, cleanup costs, removal costs, remediation costs, and similar costs, damages and expenses) that arise out of any negligent or willful act of the franchisee that results in the improper disposal or release of any hazardous contaminant as the term is defined under this chapter.

C. Nothing in this section shall prevent the city of El Monte from requiring indemnification that is broader in scope by way of a duly approved franchise agreement upon the recommendation of the City's Risk Manager and/or the City Attorney.

D. Nothing in this chapter or in any franchise awarded by the city shall operate to extinguish or supersede any prior indemnification duty imposed upon any person authorized by way of a prior franchise, license, permit or other like city authorization to provide or perform solid waste handling services and/or services involving the compensated collection, transportation, storage, transfer and/or processing of recyclable materials within the city prior to the enactment of this chapter. (Ord. 2702 § 3 (part), 2007)

18.12.070 Source reduction and recycling plan.

Any person awarded a franchise contemplated under this chapter shall be required to submit an annual source reduction and recycling plan ("SRRP") that pertains exclusively to the city of El Monte. The SRRP must include, but need not be limited to, the following essential elements:

A. The identification of targeted materials including special wastes for source reduction, recycling and composting;

B. A hazardous waste exclusion plan;

C. Detailed identification of diversion methods;

D. Detailed explanation of reporting methodology;

E. A detailed contingency plan; and

F. A detailed listing and explanation of methods used for the handling of white goods including CFC removal, PCB removal, and compliance with the requirements of Sections 42160 through 42185 of the California Public Resources Code. (Ord. 2702 § 3 (part), 2007)

18.12.071 AB 939 cost recovery special fund.

A. There is created a special fund to be known as the "AB 939 cost recovery special fund." The Deputy City Manager for Administrative Services is authorized and directed to:

1. Establish appropriate accounting procedures for the management of the AB 939 cost recovery special fund; and

2. Deposit all funds in said fund as may be received or collected by the city in accordance with AB 939 or the city source reduction and recycling element, including grants or state subvention revenues, or local regulatory program fees or charges as authorized under this chapter.

B. All sums deposited into the AB 939 cost recovery special fund, together with any accrued interest thereon, shall be used and applied to pay for costs associated with the city's preparation, adoption and implementation of its source reduction and recycling element. Said funds may also be used for any other purpose authorized under AB 939 or under the laws of the state of California. (Ord. 2702 § 3 (part), 2007)

18.12.072 Establishment of fees.

By resolution or negotiated franchise agreement, the City Council may adopt, and from time to time adjust, regulatory program fees or charges as authorized under AB 939 to provide a source of funds to pay for the preparation, adoption and implementation of the city source reduction and recycling element. By resolution or negotiated franchise agreement, the City Council may also adopt administrative fees and other regulatory fees for the development and enforcement of the city's franchise system for solid waste handling; solid waste disposal and the for fee collection of recyclable materials. Fees and charges authorized under this section may include AB 939 fees; franchise fees; administrative fees, HHW and e-waste fees and the like. The method of apportionment and collection of all fees and charges may also be established by City Council resolution or negotiated franchise agreement. All action authorized under this section shall be preceded by the conduct of a noticed public hearing as set forth under Section 66016 of the California Government Code. (Ord. 2702 § 3 (part), 2007)

18.12.073 Failure to pay fees.

It is unlawful for any franchisee to fail to file any report or pay any fee or charge to the city as may be authorized under this chapter or as may be set forth in the franchisee's franchise agreement with the city. The violation of this section shall constitute a misdemeanor under the El Monte Municipal Code. Any remedies available to the city for the violation of this section shall be in addition to any and all other remedies available to the city under the El Monte Municipal Code, the franchise agreement or at law or in equity. (Ord. 2702 § 3 (part), 2007)

18.12.080 Compliance with applicable laws and agreements.

No person engaged in the collection and/or recycling activities in the city of El Monte shall fail to comply with the provisions of:

- A. This chapter or other applicable provisions of the El Monte Municipal Code;
- B. Any franchise agreement such person has entered into with the city of El Monte;
- C. Applicable provisions of the California Integrated Waste Management Act of 1989 (California Public Resources Code Section 40000 et seq.); or
- D. Any other applicable laws regulating or otherwise governing such activities. (Ord. 2702 § 3 (part), 2007)

18.12.090 Recordkeeping.

A. All persons subject to this chapter shall establish and maintain a data retention and preservation system which accurately identifies the specific location where solid waste collected by the person is disposed of. Such identification, shall include the specific state, city and street address of the location where such solid waste is disposed of and the last known name and phone number of the facility or establishment where such solid waste is disposed of.

B. All persons subject to this chapter shall create, maintain and preserve written records identifying hazardous waste that has been found within solid waste and diverted from landfilling. Such records shall identify the hazardous waste by type and quantity.

C. Copies of all data and/or records required under this section shall be provided to the city of El Monte within ten (10) calendar days of the first day of July of each calendar year or during such other time schedule as may be provided for under the terms of a duly approved franchise agreement with the city of El Monte. The original data reports shall be retained and preserved for a period of no less than fifty (50) years from the date the person subject to this chapter was last authorized to perform solid waste services or recycling services in the city of El Monte or in lieu of such fifty (50) year retention, shall be provided to the city of El Monte upon request by the city of El Monte.

D. All data and reports created, maintained and provided to the city pursuant to this section as well as any additional data or reports required under the terms of a duly approved franchise agreement with the city shall be submitted with a signed, written declaration stating that the information contained in such data and/or reports is true and correct under penalty of perjury under the laws of the state of California. (Ord. 2702 § 3 (part), 2007)

18.12.100 Hazardous contaminants fund.

To protect the health, safety, and welfare of all persons in the city, the City Council may establish by resolution a hazardous contaminants fund. Such resolution shall set forth form, structure, parameters and potential associated charges related to the establishment of the fund. (Ord. 2702 § 3 (part), 2007)

18.12.110 Suspension and/or revocation of franchise.

A. General Suspension and Termination Procedures. As more specifically set forth by way of a duly approved franchise agreement with the city, any franchise awarded pursuant to this chapter shall be subject to suspension and/or termination by the city.

B. Special Suspension and Revocation Procedures.

1. In the event the franchise agreement is silent as to whether a franchisee's performance deficiency or failure to comply with a specific provision(s) of this chapter, Chapter 18.2 or the franchise agreement itself warrants the suspension and/or revocation of the franchise, the provisions of this subsection B shall control.

2. With respect to any performance deficiency or failure of compliance subject to this section, the franchisee shall have fifteen (15) calendar days from the date of the city's issuance of written order to correct the performance deficiency and/or to enter into compliance, whichever the case may be. The foregoing notwithstanding, the City Manager shall have discretion to grant additional time for the franchisee to correct a performance deficiency and/or enter into compliance provided such additional time does not exceed a maximum of thirty (30) additional calendar days. The failure of the franchisee to correct the performance deficiency and/or enter into compliance within the time frame authorized under this section shall constitute grounds for the suspension of the franchise. The written order referenced herein may be faxed to the franchisee's designated fax number and/or mailed by certified mail.

3. In the event of suspension, the City Manager shall designate a Hearing Officer to conduct an administrative hearing to determine, among other things, whether or not the franchisee's performance deficiency and/or failure of compliance warrants a revocation of the franchise. The administrative hearing shall be held not less than fifteen (15) days from the date upon which the City Manager designates a Hearing Officer. The Hearing Officer shall submit written findings and recommendations to the City Manager. The City Manager may adopt the findings and recommendations of the Hearing Officer or make his or her own findings and determinations, including whether or not to revoke the franchisee's franchise.

4. A franchisee may appeal any decision to suspend or revoke the franchise to the City Council, provided a written appeal request is filed with the City Clerk within fifteen (15) calendar days from the effective date of any suspension or revocation. If the fifteenth day falls on a day in which the city of El Monte is not open for business, the deadline shall be extended to five-thirty p.m. of the next business day. The City Council shall hear the matter within forty (40) days from the date the appeal request is filed and the decision of the City Council shall be final. Pending the City Council's hearing on the matter, any suspension of the franchisee's franchise shall remain in effect and any revocation of the franchise shall be tolled. (Ord. 2702 § 3 (part), 2007)

18.12.120 Definitions.

A. Except as otherwise provided under this chapter, those defined terms set forth under Section 8.20.270 (Definitions) of Chapter 8.20 (Solid Waste—Removal, Collection, Disposal and Diversion) of the El Monte Municipal Code shall have the same meaning when used under this chapter.

B. When used in this chapter, the following words shall have the meaning set forth below:

“Deputy City Manager for Administrative Services” means the Deputy City Manager for Administrative Services of the city of El Monte or designee.

“Special waste” shall have the same meaning as set forth under Section 18720 (Definitions) of Article 3 (Definitions) of Chapter 9, Division 7 (California Integrated Waste Management Board) of Title 14 of the California Code of Regulations.

“White goods” means discarded, enamel-coated major appliances, such as washing machines, clothes dryers, hot water heaters, stoves and refrigerators. (Ord. 2702 § 3 (part), 2007)

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*Statutory
References*

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**STATUTORY REFERENCES
FOR
CALIFORNIA CITIES**

The statutory references listed below refer the code user to state statutes relevant to California cities. They are up to date through July, 2007.

General Provisions

Code adoption
Gov. Code §§ 50022.1—50022.10

Ordinances
Gov. Code § 36900 et seq.

Penalties for ordinance violations
Gov. Code §§ 36900 and 36901

Imprisonment
Gov. Code §§ 36903 and 36904

Citations for misdemeanors
Penal Code §§ 853.5—853.85

Administrative fines and penalties
Gov. Code § 53069.4

Judicial review of city decisions
Code of Civil Procedure § 1094.6

Expedited judicial review of First Amendment cases
Code of Civil Procedure § 1094.8

Elections
Gov. Code §§ 34050 and 36503 and Elections Code
§§ 1301, 9200 et seq. and 10100 et seq.

Classification of cities
Gov. Code §§ 34100—34102

General powers
Gov. Code § 37100 et seq. and Cal. Const. Art. 11
§ 7

Conflict of Interest Code
Gov. Code § 87100 et seq.

Eminent domain
Code of Civil Procedure § 1230.010 et seq.

Administration and Personnel

City officers generally
Gov. Code § 36501 et seq.

Legislative body
Gov. Code § 36801 et seq.

Election of legislative body by districts
Gov. Code § 34870 et seq.

Meetings
Gov. Code § 54950 et seq.

Mayor
Gov. Code § 40601 et seq.

City clerk
Gov. Code § 40801 et seq.

City treasurer
Gov. Code § 41001 et seq.

City assessor
Gov. Code § 41201 et seq.

Chief of police
Gov. Code § 41601 et seq.

City attorney
Gov. Code § 41801 et seq.

Alternative forms of government
Gov. Code § 34851 et seq.

City manager
Gov. Code §§ 34851—34859

Elective mayor
Gov. Code §§ 34900—34906

STATUTORY REFERENCES

City records

Gov. Code §§ 34090—34090.7 et seq.

Removal from office

Gov. Code § 3000 et seq.

Political activities of public employees

Gov. Code § 3201 et seq.

Local planning agencies

Gov. Code § 65100 et seq.

Emergency services

Gov. Code § 8550 et seq.

Fire department

Gov. Code § 38611

Peace officer standards and training

Penal Code § 13520 et seq.

Personnel system

Gov. Code § 45000 et seq.

Retirement systems

Gov. Code § 45341 et seq.

Revenue and Finance

Financial powers

Gov. Code § 37201 et seq.

Transfer of tax function to county

Gov. Code § 51500 et seq.

Property tax assessment, levy and collection

Gov. Code § 43000 et seq.

Sales and use tax

Rev. and Tax. Code § 7200 et seq.

Transient occupancy tax

Rev. and Tax. Code §§ 7280 through 7283

Real property transfer tax

Rev. and Tax. Code § 11901 et seq.

Unclaimed property

Civil Code § 2080 et seq.

Local agency service fees and charges

Gov. Code § 66013 et seq.

Public works and public purchases

Gov. Code § 4000 et seq.

Contracting by local agencies

Pub. Contracts Code § 20100 et seq.

Uniform Public Construction Cost Accounting Act

Pub. Contracts Code § 22000 et seq.

Claims against public entities

Gov. Code § 900 et seq.

Development fees

Gov. Code § 66000 et seq.

Business Licenses, Taxes and Regulations

Authority to license businesses

Gov. Code § 37101, Bus. and Prof. Code § 16000 et seq. and Const. Art. II, § 2

Bingo

Penal Code § 326.5

Community antenna TV systems

Gov. Code § 53066

Charitable solicitations

Bus. and Prof. Code § 17510 et seq.

Commercial filming

Gov. Code § 65850.1

Private investigators

Bus. and Prof. Code § 7512 et seq.

Taxicabs

Vehicle Code §§ 16500 et seq., 21100, 21112 and Gov. Code § 53075.5

Gambling establishments

Bus. and Prof. Code § 19800 et seq.

Massage parlors

Gov. Code § 51030 et seq.

Automatic checkout systems

Civil Code § 7100 et seq.

Telecommunications facilities
Gov. Code § 50030

Animals

Animals generally
Food and Agric. Code § 16301 et seq.

Dogs
Gov. Code § 38792 and Food and Agric. Code
§ 30501 et seq.

Potentially dangerous and vicious dogs
Food and Agric. Code § 31601 et seq.

Rabies control
Health and Saf. Code § 121575 et seq.

Cruelty to animals
Penal Code § 597 et seq.

Health and Safety

Garbage and refuse collection and disposal
Public Resources Code §§ 49300 and 49400

Nuisance abatement
Gov. Code § 38771 et seq. and Penal Code § 373a

Weed and rubbish abatement
Gov. Code § 39501 et seq.

Littering
Penal Code § 374 et seq.

Smoking
Labor Code § 6404.5

Graffiti abatement
Gov. Code § 38772

Fire prevention
Health and Saf. Code § 13000 et seq.

Fireworks
Health and Saf. Code § 12500 et seq.

Noise control
Health and Saf. Code § 46000 et seq. and Gov. Code
§ 65302(f)

Hospitals
Gov. Code § 37600 et seq.

Public Peace, Morals and Welfare

Crimes against public justice
Penal Code § 92 et seq.

Crimes against the person
Penal Code § 187 et seq.

Crimes against public decency and good morals
Penal Code § 261 et seq.

Crimes against the public peace
Penal Code § 403 et seq.

Crimes against property
Penal Code § 450 et seq.

Weapons
Penal Code § 12000 et seq.

Vehicles and Traffic

Local traffic rules and regulations
Vehicle Code § 21100 et seq.

Traffic signs, signals and markings
Vehicle Code § 21350 et seq.

Turning movements
Vehicle Code §§ 22100-22113

Speed limits
Vehicle Code § 22348 et seq.

One-way street designations
Vehicle Code § 21657

Stopping, standing and parking
Vehicle Code § 22500 et seq.

Through highways
Vehicle Code §§ 21101, 21353, 21354

Curb markings
Vehicle Code § 21458

STATUTORY REFERENCES

Weight limits

Vehicle Code § 35700 et seq.

Pedestrians

Vehicle Code § 21949 et seq.

Establishment of crosswalks

Vehicle Code § 21106

Bicycles

Vehicle Code §§ 21100, 21206 and 39000 et seq.

Penalties

Vehicle Code § 40000.1 et seq.

Streets, Sidewalks and Public Places

Improvement Act of 1911

Str. and Hwys. Code § 5000 et seq.

Construction of sidewalks and curbs

Str. and Hwys. Code § 5870 et seq.

Underground utility districts

Str. and Hwys. Code § 5896.1 et seq.

Obstructions and encroachments on public ways

Gov. Code § 38775

Municipal parks

Public Res. Code § 5181 et seq.

Tree planting

Str. and Hwys. Code § 22000 et seq.

Landscaping and Lighting Act of 1972

Str. and Hwys. Code § 22500 et seq.

Charitable solicitations

Bus. and Prof. Code § 17510 et seq.

Advertising displays

Bus. and Prof. Code §§ 5230 and 5231

Public Services

Municipal water systems

Gov. Code § 38730 et seq.

Municipal sewers

Gov. Code § 38900 et seq. and Health and Saf. Code § 5470 et seq.

Water wells

Water Code § 13800 et seq.

Buildings and Construction

Authority to regulate buildings and construction

Gov. Code §§ 38601 and 38660

State Housing Law

Health and Saf. Code § 17910 et seq.

Adoption of construction codes

Health and Saf. Code §§ 17922 and 17958

Mobile homes

Health and Saf. Code § 18200 et seq.

Signs

Gov. Code §§ 38774 and 65850; Bus. and Prof. Code § 5200 et seq.

Inspection warrants

Civil Pro. Code § 1822.50 et seq.

Development fees

Gov. Code § 66000 et seq.

Subdivisions

Subdivision Map Act

Gov. Code § 66410 et seq.

Zoning

Local planning generally

Gov. Code § 65000 et seq.

Local authority to regulate land use

Gov. Code § 65850

Local zoning administration

Gov. Code § 65900 et seq.

Open-space zoning

Gov. Code § 65910 et seq.

Family day care homes
Health and Saf. Code § 1597.30 et seq.

Environmental Protection

Environmental Quality Act
Public Res. Code § 21000 et seq.

Noise Control Act
Health and Saf. Code § 46000 et seq.

Do Not File...

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Tables

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CROSS-REFERENCE TABLE

This table provides users with the legislative history and the current disposition of the sections in the El Monte Municipal Code.

Thus, prior code Section 1200.4 was derived from Ordinance 2183 and appears in the El Monte Municipal Code as Section 1.24.020.

The legislative history information was derived from the El Monte Municipal Code.

Prior Code §	Ordinance History	Herein
1100		Ch. 1.01
1101		Ch. 1.01
1102		Ch. 1.01
1103		Ch. 1.01
1103.1		Ch. 1.01
1104		Ch. 1.01
1105		Ch. 1.01
1106		Ch. 1.01
1107		Ch. 1.01
1108		Not codified
1109		Not codified
1110		Not codified
1111		Not codified
1112		Not codified
1200	Ord.2262	1.24.010
1200.1	Ord. 1951; Ord. 2093; Ord. 2262	1.24.010
1200.2	Ord. 2090; Ord. 2224	1.24.010
1200.3	Ord.2090	1.24.010
1200.4	Ord. 2183	1.24.020
1200.5	Ord.2425	1.24.010
1201		Not codified
1202		1.28.010
1203		1.28.020
1204		1.28.030
1205		1.28.040
1206		1.28.050
1207		Not codified
1208	Ord. 832	1.16.010
1209	Ord. 832	Repealed by 2424
1210	Ord. 832; Ord. 2424	1.16.020
1211	Ord. 832	1.16.020
1212	Ord. 832	1.16.020
1213	Ord. 832	1.16.020
1214	Ord. 832	1.16.020
1215	Ord. 832	1.16.020
1216	Ord. 832	1.16.020
1217	Ord. 832	1.16.020
1218	Ord. 1480	Repealed by 2250
1218.1		1.16.040
1218.2		1.16.050
1218.3		1.16.060

TABLES

Prior Code §	Ordinance History	Herein
1218.4		1.16.070
1218.5		1.16.080
1219	Ord. 1788	1.16.090
1220	Ord. 2016	1.16.100
1221	Ord. 2102	1.16.110
1222	Ord. 2169	1.20.010
1223	Ord. 2218; Ord. 2227	3.04.020
1300		1.04.010, 2.08.060
1301		1.04.020
130S2		1.04.030, 2.08.070
1303		1.04.040, 2.08.080
1304		1.04.050
1305		1.04.060
1306		1.04.070, 2.08.090
1307		1.04.080, 2.08.100
1308		1.04.090
1309		1.04.100, 2.08.110
1310		1.04.110, 2.08.120
1311		1.04.120, 2.08.130
1312		1.04.130, 2.08.140
1313		1.04.130, 2.08.140
1314		1.04.130, 2.08.140
1315		1.04.130, 2.08.140
1316		1.04.130, 2.08.140
1317		1.04.130, 2.08.140
1318		1.04.130, 2.08.140
1319		1.04.130, 2.08.140
1320		1.04.130, 2.08.140
1321		1.04.130, 2.08.140
1322		1.04.130, 2.08.140
1323		1.04.130, 2.08.140
1324		1.04.130, 2.08.140
1325		1.04.130, 2.08.140
1326		1.04.130, 2.08.140
1327		1.04.130, 2.08.140
1328		1.04.130, 2.08.140
1329		1.04.130, 2.08.140
2100	Ord. 588; Ord. 720; Ord. 784; Ord. 1299; Ord. 1437; Ord. 1608; Ord. 1869; Ord. 1997S	Repealed by 2526
2101	Ord. 645; Ord. 1115; Ord. 1877; Ord. 1997; Ord. 2010	2.04.020
2102		Not codified
2103	Ord. 1412; Ord. 1767; Ord. 1842; Ord. 1997; Ord. 2105; Ord. 2285	2.04.030
2104	Ord. 1997; Ord. 2105; Ord. 2285	2.08.010
2105		2.04.040
2106		2.04.050
2107		2.04.060

Prior Code §	Ordinance History	Herein
2108		2.04.070
(El Monte 1-01)	496	
2150	Ord. 1997; Ord. 2010	2.08.020
2150.1	Ord. 1997; Ord. 2010	2.08.030
2150.2	Ord. 1997; Ord. 2010	2.08.040
2150.3	Ord. 1997; Ord. 2010	2.08.050
2200	Ord.2300	2.12.010
2201		2.12.020
2202		2.12.030
2203		2.12.040
2204		2.12.050
2205		2.12.060
2206		2.12.070
2207		2.12.080
2208		2.12.090
2209		2.12.100
2210		2.12.110
2211		2.12.120
2212		2.12.130
2250		2.16.010
2251		2.16.020
2252		2.16.030
2253		2.16.040
2254		2.16.050
2255		2.16.060
2256		2.16.070
2257		2.16.080
2300		2.72.010
2301	Ord. 1367; Ord. 1592; Ord. 1675; Ord. 1675-A; Ord. 1900; Ord. 2374	2.72.020
2302.1	Ord. 1915	2.72.030
2303	Ord. 1367; Ord. 1675; Ord. 1675-A; Ord.2374	2.72.040
2304	Ord. 1367; Ord. 1625; Ord. 1675; Ord. 1675-A; Ord. 1977	2.72.050
2305	Ord. 1367; Ord. 1625; Ord. 1675; Ord. 1675-A; Ord. 1900; Ord. 2374	2.72.060
2306	Ord. 1367; Ord. 1675; Ord. 1675-A; Ord.2374	2.72.070
2307		2.72.080
2308		2.72.090
2308.1	Ord. 1789	2.72.100
2308.2	Ord. 1789	2.72.110
2309		2.72.120
2310	Ord.2026	2.72.130
2311		2.72.140
2312		2.72.150
2313		2.72.160
2314	Ord.2067	2.72.170

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Prior Code §	Ordinance History	Herein
2315		2.72.180
2316		2.72.190
2317		Not codified
2318		2.72.200
2319	Ord. 1367; Ord. 1675; Ord. 1675-A	2.72.210
2320	Ord. 1367; Ord. 1675; Ord. 1675-A	2.72.220
2321	Ord. 1367; Ord. 1675; Ord. 1675-A	2.72.230
2322		2.72.240
2323		2.72.250
2324	Ord. 1904	2.72.260
2325		2.72.270
2326		2.72.280
2327		2.72.290
2328		2.72.300
2328.1		2.72.300
2328.2		2.72.300
2328.3		2.72.300
2328.4		2.72.300
2328.5		2.72.300
2328.6		2.72.300
2328.7		2.72.300
2328.8		2.72.300
2328.9		2.72.300
2328.10		2.72.300
2328.11	Ord. 2166	2.72.300
2328.12		2.72.300
2328.13	Ord.2098	2.72.300
2328.14		2.72.300
2328.15	Ord. 2166	2.72.300
2328.16		2.72.300
2328.17		2.72.300
2328.18		2.72.300
2328.19		Not codified
2328.20		2.72.300
2328.21	Ord. 1368; Ord. 2020	2.72.300
2400		2.24.010
2401	Ord. 651; Ord. 1545; Ord. 1754; Ord. 1980; Ord. 1998; Ord. 2094; Ord.2356	2.24.020
2401.1	Ord. 1545; Ord. 1712	2.24.030
2402	Ord. 1437; Ord. 2286; Ord. 2359	Repealed by 2526
2403	Ord. 1551	2.24.050
2410	Ord. 589	2.32.010
2411	Ord. 576; Ord. 589; Ord. 650; Ord. 1670; Ord. 1704; Ord. 2176; Ord.2356	2.32.020
2412	Ord. 576; Ord. 589; Ord. 650; Ord. 1550; Ord. 1663; Ord. 2000; Ord. 2045; Ord. 2176	2.32.030

Prior Code §	Ordinance History	Herein
2413	Ord. 576; Ord. 589; Ord. 1550; Ord. 1886; Ord. 2138; Ord. 2344	2.32.040
2414	Ord. 589	2.32.050
2415	Ord. 589	2.32.060
2420	Ord. 1665	2.36.010
2420.1	Ord. 1665	2.36.020
2420.2	Ord. 1665	2.36.030
2420.3	Ord. 1665	2.36.040
2420.4	Ord. 1665	2.36.050
2420.5	Ord. 1665	2.36.060
2420.6	Ord. 1665	2.36.070
2420.7	Ord. 1665	2.36.080
2420.8	Ord. 1665	2.36.090
2420.9	Ord. 1665	2.36.100
2420.10	Ord. 1665	2.36.110
2420.11	Ord. 2375	2.36.120
2440	Ord. 1041; Ord. 2243	2.60.010
2441	Ord. 1041; Ord. 2243	2.60.020
2442	Ord. 2179	2.60.030
2450	Ord. 1363; Ord. 1991	2.28.010
2451	Ord. 1363; Ord. 1751; Ord. 1991; Ord. 2186; Ord. 2356; Ord. 2371	2.28.020
2451.1	Ord. 1363; Ord. 1751; Ord. 1991; Ord. 1999; Ord. 2186	2.28.030
2451.2	Ord. 1363; Ord. 1751; Ord. 1991	2.28.040
2452	Ord. 1363; Ord. 1751; Ord. 1991	2.28.050
2453	Ord. 1363; Ord. 1991	2.28.060
2453.1	Ord. 1363; Ord. 1751; Ord. 2260	2.28.060
2453.2	Ord. 1363	2.28.060
2453.3	Ord. 1363; Ord. 2260	2.28.060
2453.4	Ord. 1363	2.28.060
2453.5	Ord. 1751; Ord. 1991; Ord. 2260	2.28.060
2453.6	Ord. 1751; Ord. 1991; Ord. 2186; Ord. 2260	2.28.060
2453.7	Ord. 1751; Ord. 1991	2.28.060
2454	Ord. 1751; Ord. 1991	2.28.070
2460	Ord. 1846; Ord. 2272	Repealed by 2251
2461	Ord. 1846; Ord. 2001; Ord. 2272; Ord. 2292; Ord. 2356	Repealed by 2251
2461.1	Ord. 1846; Ord. 2001; Ord. 2272	Repealed by 2251
2461.3	Ord. 1846; Ord. 2099; Ord. 2272	Repealed by 2251
2461.4	Ord. 1846; Ord. 1858; Ord. 2272	Repealed by 2251
2470	Ord. 2178	2.48
2471	Ord. 2178; Ord. 2444	2.48
2472	Ord. 2178; Ord. 2444	2.48
2473	Ord. 2178; Ord. 2444	2.48
2474	Ord. 2178; Ord. 2444	2.48
2475	Ord. 2178	2.48
2480.1		Repealed by 2608
2480.2		Repealed by 2608

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Prior Code §	Ordinance History	Herein
2480.3		Repealed by 2608
2480.4		Repealed by 2608
2480.5		Repealed by 2608
2480.6		Repealed by 2608
2500		3.04.010
2600		Not codified
2601		Not codified
2602		Not codified
2610	Ord. 1583	Not codified
2620		Not codified
2621		Not codified
2623.0	Ord. 2459	Not codified
2623.1	Ord. 2459	Not codified
2623.2	Ord. 2459	Not codified
2623.3	Ord. 2459	Not codified
2623.4	Ord. 2459	Not codified
2623.5	Ord. 2459	Not codified
2623.6	Ord. 2459	Not codified
2630		Not codified
2631	Ord. 1583	Not codified
2650	Ord. 608	Not codified
2651	Ord. 608	Not codified
2652	Ord. 608	Not codified
2660	Ord. 608	Not codified
2661	Ord. 608	Not codified
2662	Ord. 608	Not codified
2670	Ord. 608; Ord. 1000; Ord. 1038	Not codified
2671	Ord. 608; Ord. 648; Ord. 1000; Ord. 1038	Not codified
2672	Ord. 608; Ord. 1000; Ord. 1038	Not codified
2680	Ord. 648; Ord. 1000	Not codified
2681	Ord. 648; Ord. 1000	Not codified
2682	Ord. 648; Ord. 1000	Not codified
2690	Ord. 1394	Not codified
2691	Ord. 1394	Not codified
2692	Ord. 1394	Not codified
2700	Ord. 901; Ord. 1169	1.08.010
2721	Ord. 1169; Ord. 2079	12.48.010
2722	Ord. 1169	12.48.020
2723	Ord. 1169; Ord. 2079	Repealed by 2507
2724	Ord. 1169; Ord. 2079	12.48.030
2726	Ord. 1169; Ord. 2079	Not codified
2727	Ord. 1169; Ord. 2079	12.48.040
2728	Ord. 1169; Ord. 2079	Repealed by 2682
2729	Ord. 1169; Ord. 2079	Repealed by 2682
2731	Ord. 1169; Ord. 2020; Ord. 2098; Ord. 2166; Ord. 2276	2.68.010
2732	Ord. 1169; Ord. 1566; Ord. 1620;	2.68.010

CROSS-REFERENCE TABLE

Prior Code §	Ordinance History	Herein
2734	Ord.2020 Ord. 2354; Res. 7327; Res. 7518; Res.7595	2.68.020
2741		2.76.010
2742		2.76.020
2743		2.76.030
2744		2.76.040
2745		2.76.050
2746		2.76.060
2747		2.76.070
2800	Ord. 848	2.20.010
2801	Ord. 848; Ord. 1679; Ord. 1795	2.20.020
2802	Ord. 848; Ord. 1679	2.20.030
2805	Ord. 848; Ord. 1679	2.20.040
2806	Ord. 848; Ord. 1679	2.20.050
2807	Ord. 848; Ord. 1679	2.20.060
2900	Ord. 1144	3.24.010

CROSS-REFERENCE TABLE

Prior Code §	Ordinance History	Herein
2901	Ord. 1144	3.24.020
2902	Ord. 1144	3.24.030
2903	Ord. 1144	3.24.040
2903.1	Ord. 1144	3.24.040
2903.2	Ord. 1144	3.24.040
2903.3	Ord. 1144	3.24.040
2903.4	Ord. 1144	3.24.040
2903.5	Ord. 1144	3.24.040
2903.6	Ord. 1144	3.24.040
2903.7	Ord. 1144	3.24.040
2903.8	Ord. 1144	3.24.040
2903.9	Ord. 1144	3.24.040
2903.10	Ord. 1144	3.24.040
2903.11	Ord. 1144	3.24.040
2903.12	Ord. 1144	3.24.040
2903.13	Ord. 1144	3.24.040
2903.14	Ord. 1144	3.24.040
2903.15	Ord. 1144	3.24.040
2904	Ord. 1144	3.24.050
2905	Ord. 1144	3.24.060
2906	Ord. 1144; Ord. 2049; Ord. 2307	3.24.070
2907	Ord. 1144; Ord. 2049; Ord. 2307	3.24.080
2908	Ord. 1144; Ord. 1810	3.24.090
2908.1	Ord. 1144	3.24.090
2908.2	Ord. 1144	3.24.090
2908.3	Ord. 1144	3.24.090
2908.4	Ord. 1144	3.24.090
2908.5	Ord. 1144	3.24.090
2908.6	Ord. 1144	3.24.090
2908.7	Ord. 1144	3.24.090
2908.8	Ord. 1144	3.24.090
2908.9	Ord. 1144	3.24.090
2909	Ord. 1144; Ord. 1810; Ord. 2307	3.24.100
2909.1	Ord. 1144	3.24.100
2909.2	Ord. 1144	3.24.100
2909.3	Ord. 1144	3.24.100
2910	Ord. 1144; Ord. 1810	3.24.100
2911	Ord. 1144	3.24.110
2912	Ord. 1144	3.24.120
2913	Ord. 1144	3.24.130
2914	Ord. 1144	3.24.140
2914.1	Ord. 1144	3.24.140
2914.2	Ord. 1144	3.24.140
2915	Ord. 1144	3.24.150
2920	Ord. 2384	3.24.160
2921	Ord. 2384	3.24.170
3111		Repealed by 2646
3112		Repealed by 2646
3112.1		Repealed by 2646

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Prior Code §	Ordinance History	Herein
3112.2		Repealed by 2646
3112.3		Repealed by 2646
3113		Repealed by 2646
3113.1		Repealed by 2646
3113.2		Repealed by 2646
3113.3		Repealed by 2646
3113.4		Repealed by 2646
3113.5		Repealed by 2646
3113.6		Repealed by 2646
3113.7		Repealed by 2646
3113.8		Repealed by 2646
3113.9		Repealed by 2646
3113.10		Repealed by 2646
3113.11		Repealed by 2646
3113.12		Repealed by 2646
3113.13		Repealed by 2646
3113.14		Repealed by 2646
3114		Repealed by 2646
3200	Ord. 1279; Ord. 1353; Ord. 2029	10.04.010
3200.2	Ord. 2184; Ord. 2239; Ord. 2389; Ord. 2402	10.16.010
3201	Ord. 1279; Ord. 1353; Ord. 2029	10.04.020
3202	Ord. 1279; Ord. 1353	10.09.030
3202.1	Ord. 1279; Ord. 1353; Ord. 1797	10.04.030
3202.2	Ord. 1279; Ord. 1353	10.04.030
3202.3	Ord. 1279; Ord. 1353; Ord. 1797	10.04.030
3202.4	Ord. 1279	10.04.030
3202.5	Ord. 1279	10.04.030
3202.5.7	Ord. 2064; Ord. 2085; Ord. 2215	10.04.030
3202.5.8	Ord. 2156; Ord. 2438	10.04.030
3202.5.9		10.04.040
3202.6	Ord. 1279; Ord. 2053	10.04.030
3202.6.1	Ord. 2053	10.04.030
3202.6.2	Ord. 2053	10.04.030
3202.7	Ord. 2148	10.04.030
3203	Ord. 1373	10.04.040
3203.1	Ord. 1373; Ord. 1802; Ord. 2102	10.04.040
3203.2	Ord. 1730	10.04.040
3204	Ord. 2133; Ord. 2389; Ord. 2402	10.16.020
3204.1	Ord. 2133	10.16.020
3204.2	Ord. 2133	10.16.020
3205	Ord. 2156	10.16.030
3205.5	Ord. 2438	10.16.040
3206	Ord. 2190	10.16.050
3219	Ord. 2064; Ord. 2085	10.16.060
3219.1	Ord. 2085	10.16.060
3220		10.16.070
3220.1	Ord. 622; Ord. 1561	10.24.010
3220.2	Ord. 622; Ord. 1561	10.24.020
3220.3	Ord. 1279	10.24.030

CROSS-REFERENCE TABLE

Prior Code §	Ordinance History	Herein
3221	Ord. 1279; Ord. 1730; Ord. 1745; Ord. 1836	Repealed by 2483 Repealed by 2483
3221.1	Ord. 910; Ord. 1279	Repealed by 2483
3221.2	Ord. 910; Ord. 1278; Ord. 1279	Repealed by 2483
3221.3	Ord. 910; Ord. 1278; Ord. 1279; Ord. 1794	Repealed by 2483 Repealed by 2483
3221.4	Ord. 910; Ord. 1279	Repealed by 2483
3221.5	Ord. 910; Ord. 1279	Repealed by 2483
3221.6	Ord. 910; Ord. 1279	Repealed by 2483
3221.7	Ord. 910; Ord. 1279; Ord. 1504	Repealed by 2483
3221.8	Ord. 910; Ord. 1279	Repealed by 2483
3221.9	Ord. 910; Ord. 1279	Repealed by 2483
3221.10	Ord. 910; Ord. 1279	Repealed by 2483
3221.11	Ord. 910; Ord. 1279	Repealed by 2483
3221.12	Ord. 910; Ord. 1279; Ord. 1607	Repealed by 2483
3221.13	Ord. 910; Ord. 1279	Repealed by 2483
3221.14	Ord. 910; Ord. 1279	Repealed by 2483
3221.15	Ord. 952; Ord. 1279	Repealed by 2483
3227	Ord. 1177	10.08.010
3227.1	Ord. 1177; Ord. 1741; Ord. 2162; Ord. 2202	10.08.010
3227.1.1	Ord. 1658	10.08.010
3227.2	Ord. 1177; Ord. 1498	10.08.010
3227.2.1	Ord. 1758	10.08.010
3227.3	Ord. 1498	10.08.010
3227.3.1	Ord. 1703	10.08.010
3227.4	Ord. 1498; Ord. 1741	10.08.010
3227.6	Ord. 1498; Ord. 1569	10.08.010
3227.6.1	Ord. 1703	10.08.010
3227.6.2	Ord. 1758	10.08.010
3227.7	Ord. 1498	10.08.010
3227.8	Ord. 1498	10.08.010
3227.9	Ord. 1498	10.08.010
3227.9.1	Ord. 1758	10.08.010
3227.10	Ord. 1498; Ord. 1549	10.08.010
3227.10-A	Ord. 1703	10.08.010
3227.10.1	Ord. 1650	10.08.010
3227.10.2	Ord. 1741	10.08.010
3227.11	Ord. 1498	10.08.010
3227.12	Ord. 2036	10.08.010
3229	Ord. 1098	10.12.010
3229.1	Ord. 1098; Ord. 1444; Ord. 1964	10.12.010
3229.2	Ord. 1098	10.12.010
3229.3	Ord. 1098	10.12.010
3229.4	Ord. 1098; Ord. 1547	10.12.010
3229.6	Ord. 1098; Ord. 1547	10.12.010
3229.7	Ord. 1098	10.12.010
3229.8	Ord. 1098	10.12.010
3229.9	Ord. 1098	10.12.010
3229.10	Ord. 1098	10.12.010

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Prior Code §	Ordinance History	Herein
3229.11	Ord. 1098	10.12.010
3229.12	Ord. 1098	10.12.010
3229.13	Ord. 1098	10.12.010
3229.14	Ord. 1098; Ord. 1116	10.12.010
3229.15	Ord. 1098; Ord. 1116	10.12.010
3229.16	Ord. 1098; Ord. 1116; Ord. 1547	10.12.010
3229.20	Ord. 1098	10.12.010
3229.21	Ord. 1098	10.12.010
3229.22	Ord. 1098	10.12.010
3230	Ord. 1098; Ord. 1354; Ord. 1994; Ord. 2289; Ord. 2303	10.12.020
3230.1	Ord. 1098	10.12.020
3230.2	Ord. 1098; Ord. 1354; Ord. 1811	10.12.020
3231		12.12.010
3231.1	Ord. 1466	12.12.010
3231.2	Ord. 2124; Ord. 2180	12.32.010
3231.2.1	Ord. 2180	12.32.020
3231.2.2	Ord. 2180	12.32.030
3231.2.3	Ord. 2180	12.32.040
3231.2.4	Ord. 2180	12.32.050
3232		10.32.010
3233		10.24.040
3239	Ord. 1534	10.24.050
3242		Not codified
3251	Ord. 1050	Not codified
3256	Ord. 1050	Not codified
3257	Ord. 1050	Not codified
3258	Ord. 1050	Not codified
3300	Ord. 1835; Ord. 2006	10.20.010
3301	Ord. 1835; Ord. 2006	10.20.020
3302	Ord. 2006	10.20.030
3303	Ord. 2006	10.20.040
3400	Ord. 1753	10.28.010
3401	Ord. 1753	10.28.020
3402	Ord. 1753	10.28.030
3403	Ord. 1753	10.28.040
3403.1	Ord. 1753; Ord. 2031	10.28.040
3403.2	Ord. 1753	10.28.040
3403.3	Ord. 1753	10.28.040
3403.4	Ord. 1753; Ord. 2031	10.28.040
3403.5	Ord. 1753; Ord. 2031	10.28.040
3403.6	Ord. 1753	10.28.040
3403.8	Ord. 1753	10.28.040
3403.9	Ord. 1753	10.28.040
3404	Ord. 1753	10.28.050
3405	Ord. 1753	10.28.060
3406	Ord. 1753	10.28.070
3407	Ord. 1753	10.28.080
3408	Ord. 1753	10.28.090
3409	Ord. 1753	10.28.100

Prior Code §	Ordinance History	Herein
3410	Ord. 1753	10.28.110
3411	Ord. 1753	10.28.120
3412	Ord. 1753	10.28.130
3420	Ord. 2189	10.32.020
3421	Ord. 2189	10.32.030
3422	Ord. 2458	10.32.040
3500	Ord. 595	12.40.010
3501	Ord. 595	12.40.010
3501.1	Ord. 595; Ord. 2047	12.40.010
3501.2	Ord. 595; Ord. 2047	12.40.010
3501.3	Ord. 595; Ord. 2047	12.40.010
3502	Ord. 595	12.40.010
3503	Ord. 595	12.40.010
3504	Ord. 595	12.40.020
3504.1	Ord. 595	12.40.020
3504.2	Ord. 595	12.40.020
3504.3	Ord. 595	12.40.020
3504.4	Ord. 595	12.40.020
3504.5	Ord. 595	12.40.020
3504.6	Ord. 595	12.40.020
3505	Ord. 595	12.40.090
3506	Ord. 595	12.40.030
3506.1	Ord. 595	12.40.040
3506.2	Ord. 595	12.40.050
3507	Ord. 595	12.40.060
3508	Ord. 595	12.40.070
3509	Ord. 595	12.40.080
3509.1	Ord. 595	12.40.080
3600	Ord. 600; Ord. 2313	8.40.010
3601	Ord. 600	8.40.020
3602	Ord. 600	8.40.020
3603	Ord. 600	8.40.030
3604.1	Ord. 600	8.40.040
3700	Ord. 1621	12.44.010
3701	Ord. 1621	12.44.020
3800	Ord. 1949	12.36.010
3801	Ord. 1949	12.36.020
3802	Ord. 1949	12.36.030
3803	Ord. 1949; Ord. 2305	12.36.040
3900	Ord. 2182; Ord. 2223	Not codified
3921	Ord. 2223	8.24.010
3950	Ord. 2284; Ord. 2379	9.36.010
3950.1	Ord. 2284	9.36.020
3950.2	Ord. 2284	9.36.030
3950.3	Ord. 2284	9.36.040
3950.4	Ord. 2284	9.36.050
3950.5	Ord. 2284	9.36.060
3950.6	Ord. 2284	9.36.070
3950.7	Ord. 2379	9.36.080

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Prior Code §	Ordinance History	Herein
3960.0	Ord. 2353	2.68.030
3960.1	Ord. 2353	2.68.040
4160	Ord. 1563; Ord. 1682; Ord. 1822; Ord. 1884; Ord. 1914; Ord. 1983; Ord. 2012; Ord. 2039; Ord. 2068; Ord. 2144; Ord. 2368; Ord. 2428	6.04.010
4160.2	Ord. 1563;	6.04.020
4160.3	Ord. 2368; Ord. 2428	6.04.050
4160.4	Ord. 2368; Ord. 2428	6.04.030
4160.5	Ord. 2368; Ord. 2428	Not codified
4171	Ord. 891; Ord. 1382; Ord. 1469; Ord. 1563	6.04.040
4200		9.20.010
4201		9.20.020
4202	Ord. 1536	9.20.030
4203	Ord. 1536	9.20.040
4204	Ord. 1536	9.20.050
4205	Ord. 1536	9.20.060
4206	Ord. 1778	9.20.070
4209.1		9.48.010
4209.2		9.48.020
4209.3		9.48.030
4222	Ord. 2071	5.48.010
4222.1	Ord. 2071; Ord. 2302	Repealed by 2644
4222.2	Ord. 2071	5.48.030
4222.3	Ord. 2071	5.48.040
4222.4	Ord. 2071	5.48.050
4222.5	Ord. 2071	5.48.060
4222.6	Ord. 2302	5.48.070
4222.7	Ord. 2302	Not codified
4223	Ord. 668; Ord. 2315	Not codified
4224.1	Ord. 2455	5.56.010
4224.2	Ord. 2455	5.56.020
4224.3	Ord. 2455	5.56.030
4224.4	Ord. 2455	5.56.040
4224.5	Ord. 2455	5.56.050
4224.6	Ord. 2455	5.56.060
4224.7	Ord. 2455	5.56.070
4224.8	Ord. 2455	5.56.080
4224.9	Ord. 2455	5.56.090
4224.10	Ord. 2455	5.56.100
4224.11	Ord. 2455	5.56.110
4224.12	Ord. 2455	5.56.120
4224.13	Ord. 2455	5.56.130
4224.14	Ord. 2455	5.56.140
4224.15	Ord. 2455	5.56.150
4224.16	Ord. 2455	5.56.160
4224.17	Ord. 2455	Not codified
4230		9.32.010

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Prior Code §	Ordinance History	Herein
4231		9.32.020
4232		9.32.030
4233		9.32.050
4234		9.32.040
4235.1	Ord. 2426	9.04.010

Prior Code §	Ordinance History	Herein
4240	Ord. 1051; Ord. 2147	9.12.010
4240.1	Ord. 1892; Ord. 1921	9.12.010
4240.2	Ord. 1892; Ord. 1921	9.12.010
4240.3	Ord. 2147	9.12.010
4241		Not codified
4242		Not codified
4243	Ord. 1154	Not codified
4243.1	Ord. 1154	Not codified
4244	Ord. 2090	9.12.020
4244.1	Ord. 2093; Ord. 2147	9.12.030
4250	Ord. 554; Ord. 2137	9.28.010
4250.1	Ord. 554; Ord. 1950; Ord. 2137	9.28.010
4250.2	Ord. 2113; Ord. 2137	9.28.010
4250.3	Ord. 2137	9.28.010
4250.4	Ord. 2137	9.28.010
4250.5	Ord. 2210	Not codified
4251	Ord. 554; Ord. 2113; Ord. 2137	9.28-020
4252	Ord. 554; Ord. 2113; Ord. 2137	9.28-030
4253	Ord. 554; Ord. 2113; Ord. 2137	9.28.040
4254	Ord. 554; Ord. 2137	9.28-050
4255	Ord. 554; Ord. 2137	9.28-050
4256	Ord. 2210	Not codified
4270	Ord. 579	Not codified
4271	Ord. 836	Not codified
4271.1	Ord. 1910	9.04-020
4272	Ord. 836	Not codified
4273	Ord. 836	Not codified
4274	Ord. 836	9.04.030
4275	Ord. 778	9.24.010
4275.1	Ord. 778	9.24.020
4275.2		9.24-020
4275.3		9.24.030
4276	Ord. 2336	9.04.040
4277	Ord. 2420	9.04-050
4301	Ord. 774	2.64.010
4301.1	Ord. 2172	2.64.020
4302	Ord. 774; Ord. 2172	2.64-030
4302.1	Ord. 2172	2.64-040
4302.2	Ord. 2172	2.64.050
4303	Ord. 774; Ord. 1294; Ord. 2172	2.64.060
4303.1	Ord. 2172	2.64-070
4304	Ord. 774; Ord. 2172	2.64-080
4305	Ord. 774	2.64-090
4306	Ord. 774	2.64.100
4306.1	Ord. 2172	2.64.110
4306.2	Ord. 2172	2.64-120
4306.3	Ord. 2172	2.64.130
4306.4	Ord. 2172	2.64.140
4307	Ord. 774; Ord. 2172	2.64-150

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Prior Code §	Ordinance History	Herein
4307.1	Ord. 2172	2.64.160
4307.2	Ord. 2172	2.64.170
4307.3	Ord. 2172	2.64.180
4307.4	Ord. 2172	2.64.190
4308	Ord. 2172	2.64.200
4320	Ord. 1710; Ord. 1722	Not codified
4330	Ord. 1918	9.16.010
4330.1	Ord. 1918	9.16.020
4330.2	Ord. 1918	9.16.030
4330.3	Ord. 1918	9.16.040
4330.4	Ord. 1918	9.16.040
4330.5	Ord. 1918	9.16.040
4331	Ord. 1918	9.16.050
4332	Ord. 1918	9.16.060
4340	Ord. 1936	Not codified
4340.1	Ord. 1936	Not codified
4340.2	Ord. 1936	Not codified
4341	Ord. 1936	Not codified
4350	Ord. 1957	Not codified
4351	Ord. 1957	Not codified
4352	Ord. 1957	Not codified
4353	Ord. 1957	Not codified
4355	Ord. 1957	Not codified
4356	Ord. 1957	Not codified
4357	Ord. 1957	Not codified
4358	Ord. 1957	Not codified
4359	Ord. 1957	Not codified
4360	Ord. 1957	Not codified
4361	Ord. 1957	Not codified
4370		9.40.010
4371		9.40.020
4372		9.40.030
4373		9.40.040
4910.1	Ord. 2317	Repealed by 2563
4910.2	Ord. 2317; Ord. 2376	Repealed by 2563
4910.3	Ord. 2317; Ord. 2376	Not codified
4915		9.44.010
4916		9.44.020
4917		9.44.030
4918		9.44.040
5100	Ord. 1597	5.96.060
5100.1	Ord. 1597	Repealed by 2467
5101	Ord. 1597	5.96.060
5102	Ord. 1597; Ord. 1799	Repealed by 2467
5102.1	Ord. 1799	Repealed by 2467
5102.2	Ord. 1799; Ord. 1816; Ord. 1924	Repealed by 2467
5103	Ord. 1597	Repealed by 2467
5104	Ord. 1597; Ord. 1799; Ord. 1924; Ord. 2274	Repealed by 2467
5105	Ord. 1597; Ord. 1799	Repealed by 2467
5106	Ord. 1597; Ord. 1799	Repealed by 2467

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Prior Code §	Ordinance History	Herein
5107	Ord. 1597	Repealed by 2467
5108	Ord. 1597	Repealed by 2467
5110	Ord. 1597	Repealed by 2467
5200		Repealed by 2701
5200.1		Repealed by 2701
5200.2		Repealed by 2701
5200.3		Repealed by 2701
5200.4		Repealed by 2701
5200.5		Repealed by 2701
5200.6		Repealed by 2701
5200.7		Repealed by 2701
5200.8		Repealed by 2701
5200.9		Repealed by 2701
5200.10		Repealed by 2701
5200.11		Repealed by 2701
5200.12		Repealed by 2701
5200.13		Repealed by 2701
5200.14		Repealed by 2701
5200.15		Repealed by 2701
5200.16		Repealed by 2701
5200.17		Repealed by 2701
5200.18		Repealed by 2701
5200.19		Repealed by 2701
5200.20		Repealed by 2701
5200.21		Repealed by 2701
5200.22		Repealed by 2701
5200.23		Repealed by 2701
5200.24		Repealed by 2701
5200.25		Repealed by 2701
5200.26		Repealed by 2701
5200.27		Repealed by 2701
5200.28		Repealed by 2701
5200.29		Repealed by 2701
5200.30		Repealed by 2701
5200.31		Repealed by 2701
5200.32		Repealed by 2701
5200.33		Repealed by 2701
5200.34		Repealed by 2701
5201		Repealed by 2701
5201.1.1		Repealed by 2701
5202		Repealed by 2701
5203		Repealed by 2701
5204		Repealed by 2701
5205		Repealed by 2701
5206		Repealed by 2701
5207		Repealed by 2701
5208		Repealed by 2701
5209		Repealed by 2701
5209.1		Repealed by 2701
5209.2		Repealed by 2701
5209.3		Repealed by 2701

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Prior Code §	Ordinance History	Herein
5210		Repealed by 2701
5211		Repealed by 2701
5212		Repealed by 2701
5213		Repealed by 2701
5214		Repealed by 2701
5215		Repealed by 2701
5216		Repealed by 2701
5217		Repealed by 2701
5218		Repealed by 2701
5219		Repealed by 2701
5219.1		Repealed by 2701
5220		Repealed by 2701
5221		Repealed by 2701
5222		Repealed by 2701
5223		Repealed by 2701
5224		Repealed by 2701
5225		Repealed by 2701
5226		Repealed by 2701
5227		Repealed by 2701
5227.1		Repealed by 2701
5227.2		Repealed by 2701
5227.3		Repealed by 2701
5227.4		Repealed by 2701
5228		Repealed by 2701
5229		Repealed by 2701
5230		Repealed by 2701
5231		Repealed by 2701
5232		Repealed by 2701
5233		Repealed by 2701
5234		Repealed by 2701
5235		Repealed by 2701
5236		Repealed by 2701
5237		Repealed by 2701
5238		Repealed by 2701
5239		Repealed by 2701
5240		Repealed by 2701
5241		Repealed by 2701
5242		Repealed by 2701
5243		Repealed by 2701
5244		Repealed by 2701
5245		Repealed by 2701
5246		Repealed by 2701
5247		Repealed by 2701
5248		Repealed by 2701
5249		Repealed by 2701
5250*		Repealed by 2701
5250*	Ord. 2338	8.28.010
5251*		Repealed by 2701

* Editor's Note: These sections were duplicated in the prior code.

Prior Code §	Ordinance History	Herein
5251*	Ord. 2338	8.28.020
5252*		Repealed by 2701
5252*	Ord. 2338	8.28.030
5252.1		Repealed by 2701
5252.2		Repealed by 2701
5253*		Repealed by 2701
5253*	Ord. 2338	8.28.040
5254*		Repealed by 2701
5254*	Ord. 2338	8.28.050
5255		Repealed by 2701
5256		Repealed by 2701
5257		Repealed by 2701
5258		Repealed by 2701
5258.1		Repealed by 2701
5259		Repealed by 2701
5260		Repealed by 2701
5261		Repealed by 2701
5262		Repealed by 2701
5263		Repealed by 2701
5264		Repealed by 2701
5265		Repealed by 2701
5265.1		Repealed by 2701
5266		Repealed by 2701
5267		Repealed by 2701
5268		Repealed by 2701
5269		Repealed by 2701
5269.1		Repealed by 2701
5269.2		Repealed by 2701
5269.3		Repealed by 2701
5270		Repealed by 2701
5271		Repealed by 2701
5271.1		Repealed by 2701
5272		Repealed by 2701
5272.1		Repealed by 2701
5272.2		Repealed by 2701
5272.3		Repealed by 2701
5273		Repealed by 2701
5274		Repealed by 2701
5275*		Repealed by 2701
5275*		Ch. 18.12
5276*		Repealed by 2701
5276*		Ch. 18.12
5277*		Repealed by 2701
5277*		Ch. 18.12
5278*		Repealed by 2701
5278*		Ch. 18.12
5279		Repealed by 2701

* Editor's Note: These sections were duplicated in the prior code.

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Prior Code §	Ordinance History	Herein
5280		Repealed by 2701
5281		Repealed by 2701
5282		Repealed by 2701
5283		Repealed by 2701
5284		Repealed by 2701
5300		Not codified
5301		Not codified
5302		Not codified
5303		Not codified
5304		Not codified
5305		Not codified
5306		Not codified
5307		Not codified
5308		Not codified
5309		Not codified
5310		Not codified
5311		Not codified
5312		Not codified
5313		Not codified
5314		Not codified
5401	Ord. 1538; Ord. 1766; Ord. 2351	8.04.010
5402	Ord. 1538	8.04.020
5402.1	Ord. 1538	8.04.020
5402.2	Ord. 1538; Ord. 2351	8.04.020
5402.3	Ord. 1538; Ord. 2351	8.04.020
5403	Ord. 1538	8.04.030
5403.1	Ord. 1538	8.04.030
5404	Ord. 1538	8.04.040
5405	Ord. 1538	8.04.050
5406	Ord. 1538	8.04.070
5411	Ord. 2351	8.04.080
5412	Ord. 2351	8.04.090
5413		Not codified
5414		8.04.100
5415		8.04.060
5500		8.48.010
5501		8.48.020
5502	Ord. 1088	8.48.030
5503	Ord. 2224	9.04.060
5611	Ord. 1544	Not codified
5611.1	Ord. 1544	Not codified
5611.2	Ord. 1544	Not codified
5611.2.1	Ord. 1544	Not codified
5611.3	Ord. 1544	Not codified
5611.4	Ord. 1544	Not codified
5611.5	Ord. 1849; Ord. 2272	Not codified
5621	Ord. 1544	Not codified
5621.1	Ord. 1544	Not codified
5621.2	Ord. 1544; Ord. 1849	Not codified

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Prior Code §	Ordinance History	Herein
5621.3	Ord. 1544	Not codified
5621.4	Ord. 1544	Not codified
5621.5	Ord. 1544	Not codified
5621.6	Ord. 1544	Not codified
5621.7	Ord. 1544	Not codified
5621.8	Ord. 1544	Not codified
5621.9	Ord. 1544	Not codified
5621.10	Ord. 1544	Not codified
5621.11	Ord. 1544	Not codified
5621.12	Ord. 1544	Not codified
5621.13	Ord. 1544	Not codified
5621.14	Ord. 1544	Not codified
5621.15	Ord. 1544	Not codified
5621.16	Ord. 1544	Not codified
5621.17	Ord. 1544	Not codified
5621.18	Ord. 1544	Not codified
5621.19	Ord. 1544	Not codified
5621.20	Ord. 1544	Not codified
5621.21	Ord. 1544	Not codified
5621.22	Ord. 1544	Not codified
5621.23	Ord. 1544	Not codified
5621.24	Ord. 1544	Not codified
5621.25	Ord. 1544	Not codified
5621.26	Ord. 1544	Not codified
5621.27	Ord. 1544	Not codified
5621.28	Ord. 1544	Not codified
5621.29	Ord. 1544	Not codified
5621.30	Ord. 1544	Not codified
5621.30.1	Ord. 1544	Not codified
5621.30.2	Ord. 1544	Not codified
5621.30.3	Ord. 1544	Not codified
5621.30.4	Ord. 1544	Not codified
5621.30.5	Ord. 1544	Not codified
5621.30.6	Ord. 1544	Not codified
5621.30.7	Ord. 1544	Not codified
5621.30.8	Ord. 1544	Not codified
5621.30.9	Ord. 1544	Not codified
5621.30.10	Ord. 1544	Not codified
5621.30.11	Ord. 1544	Not codified
5621.30.12	Ord. 1544	Not codified
5621.30.13	Ord. 1544	Not codified
5621.30.14	Ord. 1544	Not codified
5621.30.15	Ord. 1544	Not codified
5621.30.16	Ord. 1544	Not codified
5621.30.17	Ord. 2096	Not codified
5631	Ord. 1544; Ord. 1847	Not codified
5631.1	Ord. 1544; Ord. 1847	Not codified
5631.2	Ord. 1544; Ord. 1847	Not codified
5631.2.1	Ord. 1544; Ord. 1847	Not codified
5631.3	Ord. 1544; Ord. 1847	Not codified

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Prior Code §	Ordinance History	Herein
5631.3.1	Ord. 1544; Ord. 1847	Not codified
5631.3.2	Ord. 1544; Ord. 1847	Not codified
5631.3.3	Ord. 1544; Ord. 1847	Not codified
5631.3.4	Ord. 1544; Ord. 1847	Not codified
5631.4	Ord. 1544; Ord. 1847	Not codified
5631.4.1	Ord. 1544; Ord. 1847	Not codified
5631.4.2	Ord. 1544; Ord. 1847	Not codified
5631.4.2.1	Ord. 1544; Ord. 1847	Not codified
5631.4.2.2	Ord. 1544; Ord. 1847; Ord. 2195	Not codified
5631.4.3	Ord. 1544; Ord. 1847; Ord. 2195	Not codified
5631.4.4	Ord. 1544; Ord. 1847; Ord. 2195	Not codified
5631.5	Ord. 1544; Ord. 1847	Not codified
5631.5.1	Ord. 1544; Ord. 1847	Not codified
5631.5.2	Ord. 1544; Ord. 1847	Not codified
5631.5.3	Ord. 1544; Ord. 1847	Not codified
5631.5.4	Ord. 1544; Ord. 1847	Not codified
5631.6	Ord. 1544; Ord. 1847	Not codified
5631.6.1	Ord. 1544; Ord. 1847	Not codified
5631.6.2	Ord. 2015	Not codified
5631.7	Ord. 1544; Ord. 1847	Not codified
5631.8	Ord. 1544; Ord. 1847	Not codified
5631.9	Ord. 1544; Ord. 1847	Not codified
5631.10	Ord. 1544; Ord. 1847	Not codified
5631.10.1	Ord. 1544; Ord. 1847	Not codified
5631.10.2	Ord. 1544; Ord. 1847	Not codified
5631.10.3	Ord. 2268	Not codified
5631.11	Ord. 1544; Ord. 1847	Not codified
5710	Ord. 1718	8.08.010
5720	Ord. 1718	8.08.020
5721	Ord. 1718	8.08.020
5721.1	Ord. 1718	8.08.020
5722	Ord. 1718	8.08.020
5722.1	Ord. 1718	8.08.020
5723	Ord. 1855; Ord. 2272	8.08.020
5730	Ord. 1718	8.08.030
5730.1	Ord. 1718	8.08.030
5730.2	Ord. 1718	8.08.030
5730.3	Ord. 1718	8.08.030
5730.4	Ord. 1718	8.08.030
5740	Ord. 1718	8.08.040
5740.1	Ord. 1718	8.08.040
5741	Ord. 1718	8.08.040
5750	Ord. 1718	8.08.050
5750.1	Ord. 1718	8.08.050
5750.1.1	Ord. 1718	8.08.050
5750.2	Ord. 1718; Ord. 1849	8.08.050
5750.3	Ord. 1718; Ord. 1849	8.08.050
5750.3.1	Ord. 1718	8.08.050
5750.4	Ord. 1718; Ord. 1849	8.08.050
5750.5	Ord. 1849	8.08.050

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Prior Code §	Ordinance History	Herein
5750.5.1	Ord. 1849	8.08.050
5751	Ord. 1718; Ord. 1849	8.08.050
5751.1	Ord. 1718	8.08.050
5751.2	Ord. 1718; Ord. 1849	8.08.050
5752	Ord. 1718	8.08.060
5752.1	Ord. 1718	8.08.060
5800	Ord. 1956	Repealed by 2469
5801	Ord. 1956	Repealed by 2469
5910	Ord. 2004	8.36.010
5920	Ord. 2004	8.36.020
5920.1	Ord. 2004	8.36.020
5920.2	Ord. 2004	8.36.020
5920.3	Ord. 2004	8.36.020
5920.4	Ord. 2004	8.36.020
5920.5	Ord. 2004	8.36.020
5920.6	Ord. 2004	8.36.020
5920.7	Ord. 2004	8.36.020
5920.8	Ord. 2004	8.36.020
5920.9	Ord. 2004	8.36.020
5920.10	Ord. 2004	8.36.020
5920.11	Ord. 2150	8.36.020
5930	Ord. 2004	8.36.030
5940	Ord. 2004	8.36.040
5940.1	Ord. 2004	8.36.040
5940.2	Ord. 2004	8.36.040
5940.3	Ord. 2004	8.36.040
5940.4	Ord. 2004	8.36.040
5950	Ord. 2004	8.36.050
5950.1	Ord. 2004	8.36.050
5950.2	Ord. 2004	8.36.050
5950.3	Ord. 2004	8.36.050
5950.4	Ord. 2004	8.36.050
5950.5	Ord. 2004	8.36.050
5950.6	Ord. 2004	8.36.050
5950.7	Ord. 2004	8.36.050
5950.8	Ord. 2004	8.36.050
5950.8.1	Ord. 2004	8.36.050
5950.8.2	Ord. 2004	8.36.050
5950.8.3	Ord. 2004	8.36.050
5950.8.4	Ord. 2004	8.36.050
5950.8.5	Ord. 2004	8.36.050
5950.9	Ord. 2004	8.36.050
5960	Ord. 2004	8.36.060
5960.1	Ord. 2004	8.36.060
5960.2	Ord. 2004	8.36.060
5960.2.1	Ord. 2004	8.36.060
5960.2.2	Ord. 2004	8.36.060
5960.2.3	Ord. 2004	8.36.060
5960.2.4	Ord. 2004	8.36.060
5960.2.5	Ord. 2004	8.36.060

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Prior Code §	Ordinance History	Herein
5960.2.7	Ord. 2004	8.36.060
5970	Ord. 2004	8.36.110
5970.1	Ord. 2004	8.36.110
5970.2	Ord. 2004	8.36.110
5970.3	Ord. 2004	8.36.110
5970.4	Ord. 2004	8.36.110
5980	Ord. 2004	8.36.070
5990	Ord. 2004	Not codified
5991	Ord. 2150	8.36.080
5992	Ord. 2150	8.36.090
5993	Ord. 2208; Ord. 2004	8.36.100
6100		5.04.010
6100.1		5.04.010
6100.2		5.04.010
6100.3		5.04.010
6100.4		5.04.010
6100.5		5.04.010
6100.6	Ord. 656	5.04.010
6100.7		5.04.010
6100.8		5.04.010
6100.9		5.04.010
6100.10		5.04.010
6100.11		5.04.010
6100.12		5.04.010
6100.13		5.04.010
6100.14		5.04.010
6100.15		5.04.010
6100.16		5.04.010
6100.17		5.04.010
6100.18		5.04.010
6100.19	Ord. 2185	5.04.010
6100.20		5.04.010
6100.21		5.04.010
6100.22		5.04.010
6100.23		5.04.010
6100.24		5.04.010
6100.25		5.04.010
6100.26		5.04.010
6100.27	Ord. 1517	5.04.010
6100.28	Ord. 1746	5.04.010
6100.29	Ord. 2214	5.04.010
6100.30	Ord. 2310	5.04.010
6101		5.04.020
6102		5.04.030
6103	Ord. 2316	5.04.040
6104		5.04.040
6105		5.04.040
6106	Ord. 1517	5.04.040
6107		5.04.040
6108		5.04.050

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Prior Code §	Ordinance History	Herein
6108.1	Ord. 1224	5.04.060
6109		5.04.070
6110		5.04.080
6111		5.04.080
6112		5.04.080
6113	Ord. 1492; Ord. 1526; Ord. 1623	5.04.080
6114		5.04.080
6114.1	Ord. 623	5.04.080
6115		Not codified
6116		Not codified
6117		5.04.080
6118		5.04.080
6119		5.04.080
6120	Ord. 2333	5.04.090
6120.1	Ord. 2005	5.36.010
6120.2	Ord. 2005; Ord. 2357	5.36.020
6121	Ord. 547	5.04.100
6121.1	Ord. 547; Ord. 1775	5.04.100
6121.2	Ord. 1775	5.04.100
6121.3	Ord. 1775	5.04.100
6122	Ord. 547; Ord. 1775	5.04.100
6123		5.04.110
6124		5.04.120
6125	Ord. 2104	5.04.130
6126		Not codified
6128	Ord. 642; Ord. 2104	5.04.140
6130	Ord. 2333	5.04.150
6130.1	Ord. 2333	5.04.160
6131		5.04.170
6132		5.04.180
6133		5.04.190
6134		5.04.200
6135		5.04.210
6136		Not codified
6137		5.04.220
6138		5.04.230
6139		5.04.240
6140	Ord. 2333; Ord. 2357	5.04.250
6141		5.04.260
6142	Ord. 2238	5.04.270
6143		5.04.270
6144		5.04.280
6145		5.04.290
6146		5.04.300
6147		5.04.310
6148		5.04.320
6149		5.04.330
6150		5.04.330
6151		5.04.340
6152		5.04.350

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Prior Code §	Ordinance History	Herein
6153		5.04.360
6154		5.04.370
6200	Ord. 2333; Ord. 2357	5.08.010
6200.1	Ord. 2357	5.08.020
6201	Ord. 1492; Ord. 1584; Ord. 1672; Ord. 1860; Ord. 2042; Ord. 2333; Ord. 2357	5.08.030
6201.1	Ord. 1598; Ord. 2333	5.08.160
6201.2	Ord. 1598; Ord. 2310	5.08.040
6202		5.08.050
6203	Ord. 1492; Ord. 2173	Not codified
6203.1	Ord. 1674	5.08.190
6203.2	Ord. 2214	5.08.270
6204	Ord. 1492; Ord. 1584; Ord. 1750; Ord. 2188; Ord. 2357	5.08.180
6205	Ord. 1492; Ord. 2357	5.08.200
6205.1	Ord. 841; Ord. 1492; Ord. 1585; Ord. 2357	5.84.010
6205.2	Ord. 841	5.84.010
6206	Ord. 1456	5.08.240
6206.1	Ord. 1492; Ord. 2357	5.08.380
6207	Ord. 1492; Ord. 2357	5.08.210
6208	Ord. 1492; Ord. 1837; Ord. 2357	5.08.090
6208.1	Ord. 596; Ord. 1110; Ord. 1492	5.08.390
6208.2	Ord. 1170; Ord. 1492; Ord. 1765; Ord. 1860; Ord. 1888; Ord. 2357; Ord. 2396	5.80.010, 5.80.020
6208.3	Ord. 1888; Ord. 2357; Ord. 2396	5.80.030
6208.4	Ord. 2396	5.80.040
6208.5	Ord. 2396	Not codified
6208.6	Ord. 2396	5.80.050
6209	Ord. 1456; Ord. 2357	5.08.410
6210		5.08.410
6211	Ord. 1492; Ord. 1514; Ord. 1860	5.08.150
6211.1	Ord. 1970	5.08.150
6212	Ord. 1860; Ord. 2019; Ord. 2032; Ord. 2171; Ord. 2196	Not codified
6212.1	Ord. 2196	Not codified
6213	Ord. 1860	5.08.280
6214.5	Ord. 540; Ord. 1492; Ord. 1687; Ord. 1687-A	5.08.170
6214.6	Ord. 1687; Ord. 1687-A; Ord. 1789; Ord. 2310; Ord. 2357	5.08.220
6214.7	Ord. 2357	5.08.340
6214.8	Ord. 2357	5.08.120
6215	Ord. 1492; Ord. 2310; Ord. 2357	5.08.300
6215.3	Ord. 1492	5.08.300
6215.6	Ord. 1492; Ord. 2357	5.08.300
6215.7		5.08.300
6215.8	Ord. 656; Ord. 2357	5.08.300

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Prior Code §	Ordinance History	Herein
6215.9	Ord. 1860; Ord. 1887; Ord. 2357	5.08.300
6216	Ord. 2310; Ord. 2357	5.08.370
6218		5.08.370
6219.1	Ord. 999; Ord. 2357	5.08.290
6220	Ord. 1492; Ord. 2357	5.08.360
6226	Ord. 2042; Ord. 2357	5.08.060
6226.1	Ord. 1197; Ord. 1672	5.08.060
6227.1	Ord. 1197; Ord. 1672	5.08.060
6227.2	Ord. 1197; Ord. 1672	5.08.060
6228	Ord. 1492; Ord. 1672; Ord. 2357	5.08.310
6230	Ord. 837; Ord. 2357	5.08.330
6230.1	Ord. 2357	5.08.100
6230.2	Ord. 2357	5.08.110
6231	Ord. 1492; Ord. 2242; Ord. 2357	5.08.130
6232	Ord. 1492	5.08.250
6233.1	Ord. 977; Ord. 1492; Ord. 2357	5.08.140
6234		5.08.260
6234.1		5.08.260
6235		5.08.400
6236	Ord. 1492; Ord. 2357	5.08.080
6236.1	Ord. 1492; Ord. 2357	5.08.230
6237	Ord. 1492	5.08.070
6238	Ord. 1492; Ord. 1860; Ord. 2333; Ord. 2357	5.08.320
6238.1	Ord. 1492; Ord. 1860; Ord. 2333; Ord. 2357	5.08.350
6270	Ord. 2324; Ord. 2452	3.20.010
6270.1	Ord. 2324	3.20.020
6270.2	Ord. 2324	3.20.030
6270.3	Ord. 2324; Ord. 2452	3.20.040
6270.4	Ord. 2324; Ord. 2452	3.20.050
6270.5	Ord. 2324; Ord. 2452	3.20.060
6270.6	Ord. 2324; Ord. 2452	3.20.070
6270.7	Ord. 2324	3.20.080
6270.8	Ord. 2324; Ord. 2452	3.20.090
6270.9	Ord. 2324	3.20.100
6270.10	Ord. 2324; Ord. 2452	3.20.110
6270.11	Ord. 2324; Ord. 2452	3.20.120
6270.12	Ord. 2324; Ord. 2452	3.20.130
6270.13	Ord. 2324; Ord. 2452	3.20.140
6270.14	Ord. 2324; Ord. 2452	3.20.150
6270.15	Ord. 2324; Ord. 2452	3.20.160
6270.16	Ord. 2324; Ord. 2452	3.20.170
6270.17	Ord. 2324; Ord. 2452	3.20.180
6270.18	Ord. 2324; Ord. 2452	3.20.190
6270.19	Ord. 2324; Ord. 2452	3.20.200
6270.20	Ord. 2324; Ord. 2245	3.20.210
6270.21	Ord. 2452	3.20.220
6300	Ord. 1511; Ord. 1578	5.12.010
6300.1	Ord. 1511	5.12.020

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Prior Code §	Ordinance History	Herein
6300.2	Ord. 1511	5.12.030
6300.3	Ord. 1511	5.12.040
6300.4	Ord. 1511	5.12.050
6300.5	Ord. 1511; Ord. 1525; Ord. 1540; Ord. 1540-A; Ord. 1588; Ord. 1746; Ord. 1778; Ord. 2335; Ord. 2397	5.12.060
6300.5.1	Ord. 1525; Ord. 1533; Ord. 2335; Ord. 2397	5.12.070
6300.5.2	Ord. 1533; Ord. 2335	5.12.080
6300.6	Ord. 1511	5.12.090
6300.6.1	Ord. 2048	5.12.100
6300.6.2	Ord. 2281; Ord. 2335	5.12.110
6300.7	Ord. 1511; Ord. 2335	5.12.120
6300.8	Ord. 1511	5.12.130
6300.8.1	Ord. 1760	5.12.140
6300.9	Ord. 1511; Ord. 1857	5.12.150
6300.10	Ord. 1511	5.12.160
6300.11	Ord. 1511; Ord. 2335	5.12.170
6300.12	Ord. 1511	5.12.170
6300.13	Ord. 1511	5.12.180
6300.14	Ord. 1511	5.12.190
6300.15	Ord. 1511	5.12.200
6300.16	Ord. 1511	5.12.210
6300.17	Ord. 1511	5.12.220
6300.18	Ord. 1511	5.12.230
6300.19	Ord. 1511	Not codified
6300.20	Ord. 1511; Ord. 1857	5.12.240
6300.21	Ord. 1511; Ord. 2345	5.12.250
6300.22	Ord. 1511	5.12.260
6300.23	Ord. 1511	5.12.270
6300.23.2.1	Ord. 2003; Ord. 2188	5.12.270
6300.23.3	Ord. 1511; Ord. 1859; Ord. 2188	5.12.270
6300.23.3.1	Ord. 1778	5.12.270
6300.23.4	Ord. 1511; Ord. 1859	5.12.270
6300.23.5	Ord. 1511; Ord. 1859; Ord. 2188	5.12.270
6300.23.6	Ord. 1511; Ord. 1667; Ord. 2230; Ord. 2314	5.12.270
6300.23.6.1	Ord. 1713; Ord. 1859; Ord. 2188	5.12.270
6300.23.6.2	Ord. 2029; Ord. 2188	5.12.270
6300.23.6.3	Ord. 2251	5.12.270
6300.23.7	Ord. 1511; Ord. 1859; Ord. 2188	5.12.270
6300.23.8	Ord. 1511; Ord. 1528; Ord. 1542	5.12.270
6300.23.9	Ord. 1511; Ord. 1859; Ord. 2188	5.12.270
6300.23.10	Ord. 1511; Ord. 2188	5.12.270
6300.23.11	Ord. 1511; Ord. 1859	5.12.270
6300.23.12	Ord. 1511; Ord. 1859	5.12.270
6300.23.13	Ord. 1511; Ord. 1859; Ord. 2188	5.12.270
6300.23.13.1	Ord. 1746; Ord. 2188	5.12.270
6300.23.13.2	Ord. 1511; Ord. 2043; Ord. 2188	5.12.270
6300.23.14	Ord. 1511; Ord. 1859; Ord. 2188	5.12.270

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Prior Code §	Ordinance History	Herein
6300.23.14.1	Ord. 2214	5.12.270
6300.23.14.2		5.12.270
6300.23.15	Ord. 1511; Ord. 2230	5.12.270
6300.24	Ord. 1511	5.12.280
6300.25	Ord. 1511	5.12.290
6300.50.1	Ord. 2397	5.16.010
6300.50.2	Ord. 2397	5.16.020
6300.50.3	Ord. 2397	5.16.030
6300.50.4	Ord. 2397	5.16.040
6300.50.5	Ord. 2397	5.16.050
6300.50.6	Ord. 2397	5.16.060
6300.50.7	Ord. 2397	5.16.070
6300.50.8	Ord. 2397	5.16.080
6300.50.9	Ord. 2397	5.16.090
6300.50.10	Ord. 2397	5.16.100
6300.50.11	Ord. 2397	5.16.110
6300.50.12	Ord. 2397	5.16.120
6300.50.13	Ord. 2397	5.16.130
6300.50.14	Ord. 2397	Not codified
6301	Ord. 2029	5.72.010
6301.1	Ord. 2029	5.72.010
6301.2	Ord. 2029	5.72.010
6301.3	Ord. 2029	5.72.010
6301.4	Ord. 2029; Ord. 2126	5.72.010
6301.5	Ord. 2126	5.72.010
6302	Ord. 2029	5.72.020
6303	Ord. 2126	5.72.030
6303.1	Ord. 2126	5.72.030
6303.2	Ord. 2126	5.72.030
6306	Ord. 1511	5.72.040
6306.1	Ord. 1798	5.72.050
6307	Ord. 841; Ord. 1511	5.84.020
6308	Ord. 841	5.84.030
6309	Ord. 2299	5.72.060
6310		5.68.010
6310.1		5.68.010
6310.2	Ord. 2048; Ord. 2306	5.68.010
6310.3	Ord. 2048	5.68.020
6310.4	Ord. 2048	5.68.010
6311		5.68.030
6312	Ord. 1511	5.68.040
6312.1		5.68.040
6313		5.68.050
6316	Ord. 1511	5.68.060
6318	Ord. 998; Ord. 2048	5.68.070
6318.1	Ord. 998; Ord. 2048	5.68.080
6318.1.1	Ord. 2048	5.68.090
6318.2	Ord. 998	5.68.100
6320		5.68.110
6321	Ord. 2048	5.68.120

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6322		5.68.130
6323	Ord. 998; Ord. 2048	5.68.140
6324		5.68.150
6325		5.20.010
6325.1		5.20.010
6325.2		5.20.010
6325.3		5.20.010
6325.4		5.20.010
6326		5.20.020
6327	Ord. 1511	5.20.030
6327.1	Ord. 1511	5.20.040
6328	Ord. 1511	5.20.050
6329		5.20.060
6330		5.20.070
6331		5.20.080
6332		5.20.090
6333		5.20.100
6334		5.20.110
6335		5.20.120
6336		5.20.130
6337	Ord. 2043	5.52.010
6337.1	Ord. 2043	5.52.010
6338	Ord. 2043	5.52.020
6338.1	Ord. 2043	5.52.030
6338.2	Ord. 2043	5.52.040
6338.3	Ord. 2043	5.52.050
6340		5.32.010
6340.1		5.32.010
6340.2		5.32.010
6340.3		5.32.010
6340.4		5.32.010
6340.5	Ord. 838	5.32.010
6340.6	Ord. 838	5.32.010
6341	Ord. 838; Ord. 1511	5.32.020
6341.1	Ord. 838	5.32.030
6341.2	Ord. 838	5.32.040
6341.3	Ord. 2136	5.32.050
6342	Ord. 838; Ord. 1511	5.32.060
6344	Ord. 838	5.32.070
6345	Ord. 566; Ord. 838	5.32.080
6346		5.32.080
6347	Ord. 838; Ord. 1052	5.32.090
6347.1	Ord. 838	5.32.100
6347.2	Ord. 838	5.32.110
6347.3	Ord. 838	5.32.120
6347.4	Ord. 838	5.32.130
6347.5	Ord. 838	5.32.140
6347.6.1	Ord. 1215	5.32.150
6347.7	Ord. 838; Ord. 1215; Ord. 1511	5.32.160
6347.8	Ord. 838	5.32.170

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Prior Code §	Ordinance History	Herein
6349	Ord. 838; Ord. 1511	5.32.180
6351.1	Ord. 1109; Ord. 1511	12.28.010
6351.1.1	Ord. 1109; Ord. 1511; Ord. 1979	12.28.010
6351.1.2	Ord. 1109; Ord. 1511	12.28.010
6351.1.3	Ord. 1109; Ord. 1511	12.28.010
6351.1.4	Ord. 1109; Ord. 1511	12.28.010
6351.1.5	Ord. 1109; Ord. 1511; Ord. 2280	12.28.010
6351.1.6	Ord. 1109; Ord. 1511	12.28.010
6351.1.7	Ord. 2124; Ord. 2385	12.28.010
6351.2	Ord. 1109; Ord. 1511; Ord. 2180	12.28.020
6351.2.1	Ord. 1109; Ord. 1511	12.28.030
6351.2.4	Ord. 1109; Ord. 1511; Ord. 1528	12.28.040
6351.2.4.1	Ord. 1109; Ord. 1511	12.28.040
6351.2.4.2	Ord. 1109; Ord. 1511	12.28.040
6351.2.4.3	Ord. 1109; Ord. 1511	12.28.040
6351.2.4.4	Ord. 1109; Ord. 1511	12.28.040
6351.2.4.5	Ord. 1109; Ord. 1511	12.28.040
6351.2.5	Ord. 1514	12.28.050
6351.2.9	Ord. 1109; Ord. 1511	12.28.060
6351.2.9.1	Ord. 1109; Ord. 1511	12.28.060
6351.2.9.2	Ord. 1109; Ord. 1511; Ord. 2384	12.28.060
6351.2.9.3	Ord. 1109; Ord. 1511	12.28.060
6351.2.9.4	Ord. 1109; Ord. 1511; Ord. 2125; Ord. 2160; Ord. 2384	12.28.060
6351.2.12	Ord. 1109; Ord. 1511	12.28.150
6351.2.13	Ord. 1109; Ord. 1511	12.28.070
6351.2.14	Ord. 1109; Ord. 1511	12.28.080
6351.2.15	Ord. 1109; Ord. 1511	12.28.080
6351.2.16	Ord. 1109; Ord. 1511	12.28.080
6351.2.17	Ord. 1109; Ord. 1511	12.28.090
6351.2.18	Ord. 1109; Ord. 1511	12.28.100
6351.2.19	Ord. 1109; Ord. 1511	12.28.160
6351.2.20	Ord. 1109; Ord. 1511	12.28.170
6351.2.20.1	Ord. 1109; Ord. 1511	12.28.170
6351.2.20.2	Ord. 1109; Ord. 1511	12.28.170
6351.2.20.3	Ord. 1109; Ord. 1511	12.28.170
6351.2.20.4	Ord. 1109; Ord. 1511	12.28.170
6351.2.20.5	Ord. 1109; Ord. 1511	12.28.170
6351.2.21	Ord. 1109; Ord. 1511	12.28.110
6351.2.22	Ord. 1109; Ord. 1511; Ord. 1979; Ord. 2180	12.28.120
6351.2.23	Ord. 1109; Ord. 1511	12.28.120
6351.2.23.1	Ord. 1109; Ord. 1511; Ord. 2180	12.28.120
6351.2.23.2	Ord. 1109; Ord. 1511	12.28.120
6351.2.24	Ord. 1109; Ord. 1511	12.28.130
6351.2.25	Ord. 2280	Repealed by 2538
6351.2.26	Ord. 2280	Repealed by 2538
6351.2.27	Ord. 2280	Repealed by 2538
6351.2.28	Ord. 2280	Repealed by 2538
6351.2.29	Ord. 2280	Repealed by 2538

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Prior Code §	Ordinance History	Herein
6351.2.30	Ord. 2280	Repealed by 2538
6352	Ord. 1109; Ord. 1511; Ord. 1979	Repealed by 2538
6352.1	Ord. 1109; Ord. 1511	Repealed by 2538
6355		5.88.010
6355.1		5.88.010
6355.2		5.88.010
6356	Ord. 1511	5.88.020
6356.1	Ord. 1946	5.88.020
6357	Ord. 2160; Ord. 2194; Ord. 2269; Ord. 2352; Ord. 2384	5.88.020
6358	Ord. 1511	5.88.030
6359	Ord. 1511	5.88.040
6360		5.88.050
6375	Ord. 2214	5.96.050
6376	Ord. 2226	5.96.080
6380	Ord. 2242; Ord. 2306	5.96.020
6380.1	Ord. 2242; Ord. 2306	5.96.020
6385	Ord. 1511	5.96.070
6386	Ord. 1511	5.96.070
6389.1		5.96.070
6390	Ord. 1511; Ord. 1667; Ord. 1776; Ord. 2230	8.16.010
6390.1	Ord. 1738	8.16.020
6391	Ord. 1667; Ord. 1673; Ord. 1738; Ord. 1776; Ord. 1817; Ord. 2231; Ord. 2314	8.16.030
6391.1	Ord. 1647; Ord. 1705	8.16.030
6391.2	Ord. 1705	8.16.030
6391.3	Ord. 2230	8.16.030
6394.1	Ord. 1647	Not codified
6395.3	Ord. 1647	8.16.040
6398	Ord. 976	5.28.010
6398.1	Ord. 976	5.28.010
6398.2	Ord. 976	5.28.010
6398.3	Ord. 976	5.28.010
6398.4	Ord. 976	5.28.010
6398.5	Ord. 976	5.28.010
6398.6	Ord. 976	5.28.010
6399	Ord. 976	5.28.020
6399.1	Ord. 976; Ord. 1511	5.28.030
6399.2	Ord. 976	5.28.030
6399.3	Ord. 976	5.28.030
6399.4	Ord. 976	5.28.030
6399.5	Ord. 976	5.28.030
6399.6	Ord. 976; Ord. 1511; Ord. 1740	5.28.040
6399.8	Ord. 976; Ord. 1511	5.28.050
6399.9	Ord. 976; Ord. 1511	5.28.060
6399.10	Ord. 976; Ord. 1511	5.28.070
6399.11	Ord. 976	5.28.080
6399.12	Ord. 976	5.28.090

Prior Code §	Ordinance History	Herein
6399.13	Ord. 976; Ord. 1511	5.28.100
6399.51	Ord. 1674	5.44.010
6399.51.1	Ord. 1674	5.44.020
6399.51.2	Ord. 1674	5.44.030
6399.51.3	Ord. 1674; Ord. 1856	5.44.040
6399.51.3.1	Ord. 1674	5.44.050
6399.51.4	Ord. 1674	5.44.060
6399.51.5	Ord. 1674; Ord. 1856	5.44.070
6399.51.6	Ord. 1674; Ord. 1856	5.44.080
6399.51.7	Ord. 1674	5.44.090
6399.101	Ord. 1046; Ord. 1178	5.76.010
6399.101.1	Ord. 1178; Ord. 1492	5.76.010
6399.102	Ord. 1046	5.76.020
6399.102.1	Ord. 1397	5.76.020
6399.103	Ord. 1046	5.76.030
6399.201	Ord. 2251	5.96.040
6399.202	Ord. 2251	5.96.040
6399.301	Ord. 1562	5.60.010
6399.302	Ord. 1562	5.60.010
6399.302.1	Ord. 1562	5.60.010
6399.303	Ord. 1562	5.60.010
6399.304	Ord. 1562	5.60.010
6399.305	Ord. 1562	5.60.010
6399.401	Ord. 1562	5.60.020
6399.402	Ord. 1562	5.60.030
6399.403	Ord. 1562	5.60.040
6399.404	Ord. 1562	5.60.050
6399.405	Ord. 1562	5.60.060
6399.406	Ord. 1562	5.60.070
6399.407	Ord. 1562	5.60.080
6399.408	Ord. 1562	5.60.090
6399.409	Ord. 1562	5.60.100
6399.410	Ord. 1562	5.60.110
6399.411	Ord. 1562	5.60.120
6399.412	Ord. 1562	5.60.130
6399.413	Ord. 1562	5.60.140
6399.414	Ord. 1562	5.60.150
6399.501	Ord. 1562	5.60.160
6399.502	Ord. 1562	5.60.170
6399.601	Ord. 1562	5.60.180
6399.602	Ord. 1562	5.60.190
6399.603	Ord. 1562	5.60.200
6399.604	Ord. 1562	5.60.210
6399.605	Ord. 1562	5.60.220
6399.606	Ord. 1562	5.60.230
6399.607	Ord. 1562	5.60.240
6399.608	Ord. 1562	5.60.250
6399.609	Ord. 1562	5.60.260
6399.610	Ord. 1562	5.60.270

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Prior Code §	Ordinance History	Herein
6399.611	Ord. 1562	5.60.280
6399.612	Ord. 1562	5.60.290
6399.613	Ord. 1562	5.60.300
6399.614	Ord. 1562	5.60.300
6399.615	Ord. 1562	5.60.310
6399.701	Ord. 1713	5.96-030
6399.801	Ord. 1778	5.24.010
6399.802	Ord. 1778	5.24.020
6399.803	Ord. 1778	5.24.030
6399.804	Ord. 1778	5.24.040
6399.805	Ord. 1778	5.24.050
6399.806		5.24.060
6399.807		5.24.070
6399.808		5.24.080
6399.809		5.24.090
6399.810		5.24.100
6399.811		5.24.110
6399.812		5.24.120
6399.813		5.24.130
6399.814		5.24.140
6399.815		5.24.150
6399.816		5.24.160
6399.817		5.24.170
6399.818		5.24.180
6399.819		5.24.190
6399.820		5.24.200
6399.821		5.24.210
6399.822		5.24.220
6399.823		5.24.230
6399.824		5.24.240
6399.901	Ord. 2003	5.96.010
6399.902	Ord. 2003	5.96.010
6501	Ord. 1695	3.12.010
6502	Ord. 1695	3.12.020
6503	Ord. 1695	3.12.030
6504	Ord. 1695	3.12.040
6505	Ord. 1695	3.12.050
6506	Ord. 1695	3.12.060
6507	Ord. 1695	3.12.070
6508	Ord. 1695	3.12.080
6509	Ord. 1695	3.12.090
6510	Ord. 1695	3.12.100
6511	Ord. 1695	3.12.110
6512	Ord. 1695; Ord. 2069; Ord. 2080; Ord. 2082; Ord. 2330	Not codified
6513	Ord. 1695; Ord. 2069; Ord. 2080	3.12.120
6514	Ord. 1695	Not codified
6515	Ord. 1695	3.12.130
6516	Ord. 1695	3.12.140

Prior Code §	Ordinance History	Herein
6517	Ord. 2330	Repealed by 2555
6517A	Ord. 2390A	Repealed by 2555
6517B	Ord. 2386	3.12.170
6517C	Ord. 2391	3.12.180
6517D	Ord. 2392	3.12.190
6517E	Ord. 2393	3.12.200
6600	Ord. 1359	3.16.020
6600.1	Ord. 1359	3.16.010
6600.2	Ord. 1359	3.16.020
6600.3	Ord. 1359	3.16.020
6600.4	Ord. 1359; Ord. 1864; Ord. 1870	3.16.020
6600.5	Ord. 1359	3.16.020
6600.6	Ord. 1359	3.16.020
6600.7	Ord. 1359	3.16.020
6601	Ord. 1359; Ord. 1518; Ord. 1864; Ord. 2358	3.16.030
6602	Ord. 1359	3.16.040
6602.1	Ord. 1359	3.16.040
6602.3	Ord. 1359	3.16.040
6602.4	Ord. 1359	3.16.040
6603	Ord. 1359	3.16.050
6603.1	Ord. 1359	3.16.060
6603.2	Ord. 1359; Ord. 2302; Ord. 2341	3.16.070
6603.3	Ord. 1359	3.16.080
6603.3.1	Ord. 1359	3.16.080
6603.3.2	Ord. 1359	3.16.080
6603.3.3	Ord. 1359	3.16.080
6603.3.4	Ord. 1359	3.16.080
6603.3.5	Ord. 1359	3.16.080
6603.4	Ord. 1359	3.16.090
6603.4.1	Ord. 1359	3.16.100
6603.5	Ord. 1359	3.16.110
6603.6	Ord. 1359	3.16.120
6603.6.1	Ord. 1359	3.16.130
6603.6.2	Ord. 1359	3.16.140
6603.6.3	Ord. 1359	3.16.150
6603.7	Ord. 1359	3.16.160
6603.8	Ord. 1359	3.16.180
6700	Ord. 1393	12.24.010
6701	Ord. 1393	12.24.020
6701.1	Ord. 1393	12.24.030
6702	Ord. 1393	12.24.040
6703	Ord. 1393; Ord. 1406; Ord. 1600; Ord. 1938	12.24.050
6704	Ord. 1393	12.24.060
6705	Ord. 1393	12.24.070
6705.1	Ord. 1393; Ord. 1508	Not codified
6705.2		12.24.080
6706	Ord. 1393	12.24.090
6707	Ord. 1393	12.24.100
6801.1	Ord. 1505	3.08.010

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Prior Code §	Ordinance History	Herein
6801.2	Ord. 1505	3.08.020
6801.3	Ord. 1505	3.08.030
6801.4	Ord. 1505	3.08.040
6801.5	Ord. 1505	3.08.040
6801.6	Ord. 1505	3.08.040
6801.7	Ord. 1505	3.08.040
6801.8	Ord. 1505	3.08.040
6801.9	Ord. 1505	3.08.050
6801.10	Ord. 1505	3.08.060
6900	Ord. 1987	5.64.020
6900.1	Ord. 1987	5.64.020
6901	Ord. 1987	5.64.010
6902	Ord. 1987	5.64.030
6903	Ord. 1987; Ord. 2084	5.64.040
6904	Ord. 1987	5.64.050
6905	Ord. 1987	5.64.060
6906	Ord. 1987; Ord. 2084	5.64.070
6907	Ord. 1987; Ord. 2084	5.64.080
6908	Ord. 1987	5.64-090
6909	Ord. 1987	5.64.100
6910	Ord. 1987	5.64.110
6911	Ord. 1987	5.64.120
6912	Ord. 1987	5.64.130
6920		5.40.010
7100		12.04.010
7200	Ord. 1539	12.08.010
7201	Ord. 1303; Ord. 1539	12.08.020
7201.1	Ord. 1303; Ord. 1539; Ord. 1861; Ord. 2129; Ord. 2318	12.08.030
7201.1.1	Ord. 1861; Ord. 2318	12.08.040
7201.2	Ord. 1539	12.08.100
7201.3	Ord. 1539	12.08.050
7202	Ord. 1593	12.08.060
7203	Ord. 1303; Ord. 1539	12.08.070
7209	Ord. 1319; Ord. 1539; Ord. 2131; Ord. 2254; Ord. 2334; Ord. 2349; Ord. 2378; Ord. 2405	12.08-080
7209.1	Ord. 1319; Ord. 1436; Ord. 1463; Ord. 1499; Ord. 1543	12.08.090
7209.2	Ord. 1319	12.08.090
7209.3	Ord. 1319; Ord. 1543	12.08.090
7209.3.1	Ord. 1543	12.08.090
7209.4	Ord. 1319; Ord. 1485	12.08.090
7210	Ord. 1485; Ord. 1548	12.16.010
7210.1	Ord. 1485; Ord. 1548	12.16.020
7210.2	Ord. 1485	12.16.020
7210.3	Ord. 1485	12.16.020
7210.4	Ord. 1485	12.16.020
7210.5	Ord. 1485	12.16.030
7210.6	Ord. 1485	12.16.040

CROSS-REFERENCE TABLE

Prior Code §

7300

Ordinance History

Ord. 1346

Herein

12.20.010

CROSS-REFERENCE TABLE

Prior Code §	Ordinance History	Herein
7301	Ord. 1346	12.20.010
7302	Ord. 1346; Ord. 1744; Ord. 1897; Ord. 1973; Ord. 2017; Ord. 2318	12.20.020
7302.1	Ord. 1897; Ord. 2318	12.20.030
7303	Ord. 1346	12.20.040
7304	Ord. 1346	12.20.050
7305	Ord. 1346	12.20.060
7306	Ord. 1346	12.20.070
7307	Ord. 1346	12.20.080
7308	Ord. 1346	12.20.090
7309	Ord. 1346	12.20.100
7310	Ord. 1346	12.20.110
7311	Ord. 1346	12.20.120
7312	Ord. 1346	12.20.130
7313	Ord. 1346	12.20.140
7314	Ord. 1346	12.20.150
7315	Ord. 1346; Ord. 2129; Ord. 2318; Ord. 2400	12.20.160
7316	Ord. 1346	12.20.170
7317	Ord. 1346	12.20.180
7318	Ord. 1346	12.20.190
7319	Ord. 1346	12.20.200
7320	Ord. 1346	12.20.210
7321	Ord. 1346	12.20.220
7322	Ord. 1346	12.20.230
7400		13.04.010
7401	Ord. 1184; Ord. 1529; Ord. 1724; Ord. 1784; Ord. 1813; Ord. 2050; Ord. 2074; Ord. 2116; Ord. 2187; Res. 7047; Ord. 2329; Ord. 2360; Ord. 2457	13.04.020
7401.1	Ord. 1184; Ord. 1529; Ord. 1784; Ord. 1813; Ord. 2050; Ord. 2187; Res. 7047; Ord. 2329; Ord. 2457	13.04.030
7402	Ord. 1784; Ord. 2050; Ord. 2187; Res. 7047; Ord. 2329; Ord. 2457	13.04.040
7404	Ord. 1184; Ord. 1676; Ord. 2187; Ord. 2218; Ord. 2360; Ord. 2457	13.04.050
7405	Ord. 1184; Ord. 1529; Ord. 1777; Ord. 2052; Ord. 2457	13.04.060
7405.1	Ord. 519	13.04.060
7406	Ord. 559; Ord. 721; Ord. 1239; Ord. 1529; Ord. 1781; Ord. 2360; Ord. 2457	13.04.070
7406.1	Ord. 1613; Ord. 1893	13.04.080
7406.2		13.04.080
7407		13.04.090
7407.1		13.04.090
7408		13.04.100
7409	Ord. 2360	13.04.110

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7410		13.04.120
7411		13.04.130
7412		13.04.140
7413		13.04.150
7414		Not codified
7414.1		13.04.160
7414.2		13.04.170
7415		13.04.180
7416		13.04.190
7417		13.04.200
7420	Ord. 2329	13.04.210
7450	Ord. 2427	13.08.010
7451		13.08.020
7452		13.08.030
7453		13.08.040
7454		13.08.050
7455		13.08.060
7456		13.08.070
7457		13.08.080
7458		Not codified
7550	Ord. 2200 Ord. 2265; Ord. 2295; Ord. 2321; Ord. 2348; Ord. 2382; Ord. 2421; Ord. 2440	Not codified
7550.20	Ord. 2211	Not codified
7551	Ord. 2200	Not codified
7552	Ord. 2200	Not codified
7553	Ord. 2200	Not codified
7554	Ord. 2200	Not codified
7555	Ord. 2200	Not codified
7556	Ord. 2200; Ord. 2265	Not codified
7600		18.04.010
7600.1		18.04.010
7601		18.04.010
7602		18.04.010
7603		18.04.010
7604		18.04.010
7605		18.04.010
7606		18.04.010
7607		18.04.010
7608		18.04.010
7609		18.04.010
7610		18.04.010
7611		18.04.010
7612		18.04.010
7613		18.04.010
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7616		18.04.010
7617		18.04.010
7617.1		18.04.010

CROSS-REFERENCE TABLE

Prior Code §	Ordinance History	Herein
7618		18.04.010
7619		18.04.010
7620		18.04.010
7621		18.04.010
7622		18.04.010
7623		18.04.010
7624		18.04.010
7625		18.04.010
7626		18.04.010
7630	Ord. 1971	18.08.010
7630.1	Ord. 1971	18.08.010
7630.2	Ord. 1971	18.08.010
7630.3	Ord. 1971	18.08.010
7630.4	Ord. 1971	18.08.010
7630.5	Ord. 1971	18.08.010
7630.6	Ord. 1971	18.08.010
7630.7	Ord. 1971	18.08.010
7630.8	Ord. 1971	18.08.010
7630.9	Ord. 1971	18.08.010
7630.10	Ord. 1971	18.08.010
7631	Ord. 1971	18.08.020
7631.1	Ord. 1971	18.08.030
7631.2	Ord. 1971	18.08.040
7631.3	Ord. 1971	18.08.050
7631.4	Ord. 1971	18.08.060
7631.5	Ord. 1971	18.08.070
7631.6	Ord. 1971	18.08.080
7631.6.1	Ord. 1971	18.08.090
7631.7	Ord. 1971	18.08.100
7631.7.1	Ord. 1971	18.08.100
7631.8	Ord. 1971	18.08.110
7632	Ord. 1971	18.08.120
7632.1	Ord. 1971	18.08.120
7632.2	Ord. 1971	18.08.120
7632.3	Ord. 1971	18.08.120
7632.4	Ord. 1971	18.08.130
7632.5	Ord. 1971	18.08.140
7632.5.1	Ord. 1971	18.08.140
7632.5.2	Ord. 1971	18.08.140
7632.5.3	Ord. 1971	18.08.140
7632.5.4	Ord. 1971	18.08.140
7632.5.5	Ord. 1971	18.08.150
7632.5.6	Ord. 1971	18.08.160
7633	Ord. 1971	18.08.170
7633.1	Ord. 1971	18.08.170
7633.2	Ord. 1971	18.08.170
7633.3	Ord. 1971	18.08.170
7633.4	Ord. 1971	18.08.170
7633.5	Ord. 1971	18.08.180
7633.6	Ord. 1971	18.08.190

TABLES

Prior Code §	Ordinance History	Herein
7633.7	Ord. 1971	18.08.200
7633.8	Ord. 1971	18.08.200
7633.9	Ord. 1971	18.08.210
7633.10	Ord. 1971	18.08.220
7633.11	Ord. 1971	18.08.230
7633.12	Ord. 1971	18.08.240
7634	Ord. 1971	18.08.250
7634.1	Ord. 1971	18.08.260
7634.2	Ord. 1971	18.08.270
7634.3	Ord. 1971	18.08.280
7634.3.1	Ord. 1971	18.08.280
7634.4	Ord. 1971; Ord. 2384	18.08.280
7634.4.1	Ord. 1971; Ord. 2160	18.08.280
7634.5	Ord. 1971	18.08.290
7634.5.1	Ord. 1971	18.08.290
7634.5.2	Ord. 1971	18.08.290
7634.5.3	Ord. 1971	18.08.290
7634.5.4	Ord. 1971	18.08.290
7634.6	Ord. 1971	18.08.300
7634.6.1	Ord. 1971	18.08.310
7634.6.2	Ord. 1971	18.08.320
7634.6.3	Ord. 1971	18.08.330
7634.6.4	Ord. 1971	18.08.340
7634.6.5	Ord. 1971	18.08.350
7634.6.6	Ord. 1971	18.08.360
7634.6.7	Ord. 1971	18.08.370
7634.6.8	Ord. 1971	18.08.380
7634.6.9	Ord. 1971	18.08.380
7634.6.10	Ord. 1971	18.08.390
7635	Ord. 1971	18.08.400
7636	Ord. 1971	18.08.410
7636.1	Ord. 1971	18.08.420
7636.2	Ord. 1971	18.08.420
7636.3	Ord. 1971	18.08.430
7636.4	Ord. 1971	18.08.430
7636.5	Ord. 1971	18.08.440
7636.5.1	Ord. 1971	18.08.450
7636.6	Ord. 1971	18.08.460
7636.6.1	Ord. 1971	18.08.460
7636.6.2	Ord. 1971	18.08.460
7636.6.3	Ord. 1971	18.08.460
7637	Ord. 1971	18.08.470
7637.1	Ord. 1971	18.08.470
7637.2	Ord. 1971	18.08.470
7637.3	Ord. 1971	18.08.470
7637.4	Ord. 1971	18.08.480
7637.5	Ord. 1971	18.08.490
7637.5.1	Ord. 1971	18.08.500
7637.5.2	Ord. 1971	18.08.510
7637.5.3	Ord. 1971	18.08.520

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Prior Code §	Ordinance History	Herein
7637.5.4	Ord. 1971	18.08.520
7637.5.5	Ord. 1971	18.08.530
7638	Ord. 1971	18.08.540
7638.1	Ord. 1971	18.08.550
7638.2	Ord. 1971	18.08.560
7638.3	Ord. 1971	18.08.570
7639	Ord. 1971	18.08.580
7640	Ord. 1971	18.08.590
7641	Ord. 1971	18.08.600
7641.1	Ord. 1971	18.08.610
7641.2	Ord. 1971	18.08.620
7641.3	Ord. 1971	18.08.630
7642	Ord. 1971	18.08.640
7642.1	Ord. 1971	18.08.640
7642.2	Ord. 1971	18.08.640
7642.3	Ord. 1971	18.08.640
7643	Ord. 1971	18.08.650
7644	Ord. 1971	18.08.660
7645	Ord. 1971	18.08.670
7646	Ord. 1971	18.08.680
7647	Ord. 1971	18.08.690
7647.1	Ord. 1971	18.08.700
7648	Ord. 1971	18.08.710
7648.1	Ord. 1971	18.08.720
7649	Ord. 1971	18.08.730
7650	Ord. 1971	18.08.740
7651	Ord. 1971	18.08.750
7651.1	Ord. 1971	18.08.750
7652	Ord. 1971	18.08.760
7652.1	Ord. 1971	18.08.770
7652.2	Ord. 1971	18.08.780
7652.3	Ord. 1971	18.08.790
7652.3.1	Ord. 1971	18.08.800
7652.3.2	Ord. 1971	18.08.810
7652.4	Ord. 1971	18.08.820
7652.5	Ord. 1971	18.08.830
7652.6	Ord. 1971	18.08.840
7652.7	Ord. 1971	18.08.850
7652.8	Ord. 1971	18.08.860
7652.9	Ord. 1971	18.08.870
7652.10	Ord. 1971	18.08.880
7653	Ord. 1971	18.08.890
7653.1	Ord. 1971	18.08.900
7653.2	Ord. 1971	18.08.910
7653.3	Ord. 1971	18.08.920
7653.4	Ord. 1971	18.08.930
7654	Ord. 1971	18.08.940
7655	Ord. 1971	18.08.940
7656	Ord. 1971	18.08.940
7657	Ord. 1971	18.08.950

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Prior Code §	Ordinance History	Herein
7658	Ord. 1971	18.08.960
7659	Ord. 1971	Not codified
7711	Ord. 1537	13.12.010
7711.1	Ord. 1537	13.12.010
7711.2	Ord. 1537	13.12.010
7711.3	Ord. 1537	13.12.010
7711.4	Ord. 1537	13.12.010
7711.5	Ord. 1537	13.12.010
7712	Ord. 1537	13.12.020
7712.1	Ord. 1537	13.12.030
7712.2	Ord. 1537	13.12.040
7712.3	Ord. 1537	13.12.050
7712.4	Ord. 1537	13.12.060
7712.5	Ord. 1537	13.12.070
7712.6	Ord. 1537	13.12.080
7713	Ord. 1537	13.12.090
7713.1	Ord. 1537	13.12.090
7713.2	Ord. 1537	13.12.090
7714	Ord. 1537	13.12.100
7714.1	Ord. 1537	13.12.110
7714.2	Ord. 1537	13.12.120
7715	Ord. 1537	13.12.130
7715.1	Ord. 1537	13.12.140
7715.2	Ord. 1537	13.12.150
7715.3	Ord. 1537	13.12.160
7715.4	Ord. 1537	13.12.170
7715.5	Ord. 1537	13.12.180
7715.6	Ord. 1537	13.12.190
7715.7	Ord. 1537	13.12.200
7800	Ord. 2377	13.16.010
7801	Ord. 2377	13.16.020
7802	Ord. 2377	13.16.030
7803	Ord. 2377	13.16.040
7804	Ord. 2377	13.16.050
7805	Ord. 2377	Not codified
7806	Ord. 2377	13.16.060
7807	Ord. 2377	13.16.070
7808	Ord. 2377	13.16.080
7809	Ord. 2377	13.16.090
7810	Ord. 2377	13.16.100
7811	Ord. 2377	13.16.110
7812	Ord. 2377	13.16.120
7813	Ord. 2377	13.16.130
7814	Ord. 2377	13.16.140
7815	Ord. 2377	13.16.150
7816	Ord. 2377	13.16.160
7817	Ord. 2377	13.16.170
7818	Ord. 2377	13.16.180
7819	Ord. 2377	13.16.190
7820	Ord. 2377	13.16.200

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Prior Code §	Ordinance History	Herein
7821	Ord. 2377	13.16.210
7822	Ord. 2377	13.16.220
7823	Ord. 2377	13.16.230
7824	Ord. 2377	13.16.240
7825	Ord. 2377	13.16.250
8100	Ord. 900; Ord. 1376; Ord. 1635; Ord. 1737; Ord. 1882; Ord. 1988; Ord. 2075; Ord. 2196; Ord. 2220; Ord. 2290; Ord. 2347; Ord. 2429	Not codified
8100.1	Ord. 1376; Ord. 1583; Ord. 2429	Not codified
8100.3	Ord. 2429	Not codified
8100.4	Ord. 2429	Not codified
8100.5	Ord. 2429	Not codified
8101	Ord. 900	Not codified
8101.1	Ord. 900; Ord. 1635; Ord. 1737; Ord. 1988	Not codified
8101.2	Ord. 900; Ord. 1737	Not codified
8101.3	Ord. 900; Ord. 1737; Ord. 1988; Ord. 2429	Not codified
8101.5	Ord. 1205; Ord. 1719; Ord. 1848	Not codified
8101.5.1	Ord. 2196; Ord. 2220; Ord. 2290	Not codified
8101.6	Ord. 1737	Not codified
8101.7	Ord. 1253; Ord. 1737	Not codified
8101.7.1	Ord. 1988	Not codified
8101.8.1	Ord. 2075	Not codified
8101.9	Ord. 1376; Ord. 1737	Not codified
8101.9.1	Ord. 1988	Not codified
8101.9.2	Ord. 2075	Not codified
8101.9.3	Ord. 2075	Not codified
8101.10	Ord. 1737	Not codified
8101.11	Ord. 1737	Not codified
8101.12	Ord. 2075	Not codified
8101.14	Ord. 1376; Ord. 1737; Ord. 1988	Not codified
8101.16	Ord. 1376; Ord. 1635; Ord. 1737; Ord. 1882; Ord. 1988; Ord. 2075; Ord. 2196	Not codified
8101.16.1	Ord. 2075	Not codified
8101.17.1	Ord. 1845; Ord. 1890; Ord. 1988; Ord. 2034	Not codified
8101.18	Ord. 2075	Not codified
8101.18.1	Ord. 2075	Not codified
8101.20	Ord. 1737; Ord. 1988; Ord. 2075; Ord. 2290	Not codified
8101.23	Ord. 1737; Ord. 2290	Not codified
8101.25	Ord. 1737; Ord. 1988; Ord. 2075	Not codified
8101.26	Ord. 2075	Not codified
8101.27	Ord. 1737; Ord. 1988; Ord. 2075	Not codified
8101.35	Ord. 2075	Not codified
8101.36	Ord. 2075	Not codified
8101.37.1	Ord. 2196	Not codified

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Prior Code §	Ordinance History	Herein
8101.39	Ord. 1988	Not codified
8101.41	Ord. 2975	Not codified
8101.41.1	Ord. 2127	Not codified
8101.42	Ord. 2075	Not codified
8101.43	Ord. 2153	Not codified
8101.44	Ord. 2153	Not codified
8102	Ord. 1264; Ord. 1515; Ord. 1519; Ord. 1737	Not codified
8106	Ord. 2196	Not codified
8200	Ord. 898; Ord. 1377; Ord. 1636; Ord. 1737; Ord. 1883; Ord. 1989; Ord. 2075; Ord. 2196; Ord. 2290; Ord. 2347; Ord. 2431	Not codified
8200.1	Ord. 898; Ord. 1377; Ord. 1636; Ord. 1737	Not codified
8200.3	Ord. 1989; Ord. 2075	Not codified
8200.4	Ord. 1883	Not codified
8200.5	Ord. 1970	Not codified
8200.6	Ord. 2431	Not codified
8200.7	Ord. 2431	Not codified
8201		Not codified
8202		Not codified
8203		Not codified
8204		Not codified
8205		Not codified
8206		Not codified
8207		Not codified
8208	Ord. 551	Not codified
8209	Ord. 551	Not codified
8210	Ord. 653	Not codified
8211	Ord. 653	Not codified
8212	Ord. 1883	Not codified
8300	Ord. 520; Ord. 1378; Ord. 1637; Ord. 1834; Ord. 2218	Not codified
8301	Ord. 1378; Ord. 1834	Not codified
8301.1	Ord. 2075; Ord. 2196	Not codified
8301.4	Ord. 1378; Ord. 1637; Ord. 1780; Ord. 1834	Not codified
8301.5	Ord. 1637	Not codified
8301.6	Ord. 2196	Not codified
8301.7	Ord. 1834	Not codified
8301.8	Ord. 1834	Not codified
8301.9	Ord. 1970	Not codified
8302	Ord. 2218; Ord. 2290; Ord. 2347; Ord. 2432	Not codified
8302.1	Ord. 2218	Not codified
8302.2	Ord. 2290	Not codified
8302.3	Ord. 2290	Not codified
8304	Ord. 2432	Not codified
8305	Ord. 2432	Not codified

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Prior Code §	Ordinance History	Herein
8310		Not codified
8311		Not codified
8312		Not codified
8313		Not codified
8314		Not codified
8315		Not codified
8316		Not codified
8317		Not codified
8318		Not codified
8319		Not codified
8320		Not codified
8321		Not codified
8322		Not codified
8323		Not codified
8324		Not codified
8325		Not codified
8326		Not codified
8327		Not codified
8400		Not codified
8401		Not codified
8402		Not codified
8403		Not codified
8404	Ord. 1115	Not codified
8405		Not codified
8406		Not codified
8510	Ord. 1450	Not codified
8510.1	Ord. 1450	Not codified
8510.3	Ord. 1450	Not codified
8510.4	Ord. 1450	Not codified
8520	Ord. 1694	Not codified
8521	Ord. 1694	Not codified
8521.1	Ord. 1694	Not codified
8521.2	Ord. 1694	Not codified
8521.3	Ord. 1694	Not codified
8521.4	Ord. 1694	Not codified
8521.5	Ord. 1694	Not codified
8521.6	Ord. 1694	Not codified
8521.7	Ord. 1694	Not codified
8521.8	Ord. 1694	Not codified
8521.9	Ord. 1694	Not codified
8522	Ord. 1694; Ord. 1866	Not codified
8523	Ord. 1694	Not codified
8524	Ord. 1694	Not codified
8525	Ord. 1694	Not codified
8526	Ord. 1694	Not codified
8527	Ord. 1694	Not codified
8528	Ord. 1694	Not codified
8530	Ord. 1450	Not codified
8531	Ord. 1450; Ord. 1646; Ord. 1694	Not codified
8531.1	Ord. 1450; Ord. 1694	Not codified

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Prior Code §	Ordinance History	Herein
8531.2	Ord. 1450	Not codified
8531.3	Ord. 1450; Ord. 1646; Ord. 1694	Not codified
8531.4	Ord. 1450; Ord. 1646	Not codified
8531.5	Ord. 1694	Not codified
8532	Ord. 1450; Ord. 1666	Not codified
8533	Ord. 1450; Ord. 1646; Ord. 1694	Not codified
8534	Ord. 1450; Ord. 1646	Not codified
8535	Ord. 1450	Not codified
8536	Ord. 1450; Ord. 1646; Ord. 1694	Not codified
8537	Ord. 1694	Not codified
8540	Ord. 1450	Not codified
8541	Ord. 1450	Not codified
8541.1	Ord. 1450	Not codified
8541.2	Ord. 1450	Not codified
8541.3	Ord. 1450	Not codified
8542	Ord. 1450	Not codified
8542.1	Ord. 1450; Ord. 1646; Ord. 2384	Not codified
8542.2	Ord. 1450; Ord. 1866	Not codified
8542.3	Ord. 1450	Not codified
8542.4	Ord. 1450; Ord. 1646	Not codified
8542.5	Ord. 1450; Ord. 1646	Not codified
8542.6	Ord. 1450; Ord. 1646	Not codified
8542.7	Ord. 1450	Not codified
8543	Ord. 1450	Not codified
8543.1	Ord. 1450	Not codified
8543.2	Ord. 1450	Not codified
8543.3	Ord. 1450	Not codified
8543.4	Ord. 1450	Not codified
8543.5	Ord. 1450	Not codified
8543.6	Ord. 1450	Not codified
8543.7	Ord. 1450; Ord. 1646	Not codified
8543.8	Ord. 1450	Not codified
8543.9	Ord. 1450; Ord. 1646	Not codified
8543.10	Ord. 1450; Ord. 1557	Not codified
8550	Ord. 1450	Not codified
8551	Ord. 1450	Not codified
8551.1	Ord. 1450; Ord. 1605	Not codified
8551.2	Ord. 1450	Not codified
8552	Ord. 1450	Not codified
8552.1	Ord. 1450; Ord. 1605; Ord. 2266	Not codified
8552.2	Ord. 2384	Not codified
8552.2.1	Ord. 1646; Ord. 2266	Not codified
8553	Ord. 1450; Ord. 1646	Not codified
8554	Ord. 1450; Ord. 1646	Not codified
8554.1	Ord. 1450; Ord. 1646	Not codified
8554.2	Ord. 1450; Ord. 1646	Not codified
8554.3	Ord. 1450; Ord. 1646	Not codified
8554.4	Ord. 1450; Ord. 1646	Not codified
8554.5	Ord. 1450; Ord. 1646	Not codified
8555	Ord. 1646	Not codified

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Prior Code §	Ordinance History	Herein
8600	Ord. 2405	Not codified
9111.02	Ord. 2343	Not codified
9111.4	Ord. 2343	Not codified
9111.06	Ord. 2343	Not codified
9111.08	Ord. 2343	Not codified
9111.10	Ord. 2343	Not codified
9111.12	Ord. 2343	Not codified
9111.14	Ord. 2343	Not codified
9111.16	Ord. 2343	Not codified
9111.18	Ord. 2343	Not codified
9111.20	Ord. 2343	Not codified
9112.02	Ord. 2343	Not codified
9112.04	Ord. 2343	Not codified
9112.06	Ord. 2343	Not codified
9112.08	Ord. 2343	Not codified
9112.10	Ord. 2343	Not codified
9112.12	Ord. 2343	Not codified
9112.14	Ord. 2343	Not codified
9113.02	Ord. 2343	Not codified
9113.04	Ord. 2343	Not codified
9113.06	Ord. 2343	Not codified
9113.08	Ord. 2343	Not codified
9113.10	Ord. 2343	Not codified
9113.12	Ord. 2343	Not codified
9113.14	Ord. 2343	Not codified
9113.16	Ord. 2343	Not codified
9113.18	Ord. 2343	Not codified
9113.20	Ord. 2343	Not codified
9113.22	Ord. 2343	Not codified
9113.24	Ord. 2343	Not codified
9113.26	Ord. 2343	Not codified
9113.28	Ord. 2343	Not codified
9113.30	Ord. 2343	Not codified
9113.32	Ord. 2343	Not codified
9113.34	Ord. 2343	Not codified
9113.36	Ord. 2343	Not codified
9113.38	Ord. 2343	Not codified
9113.40	Ord. 2343	Not codified
9113.42	Ord. 2343	Not codified
9113.44	Ord. 2343	Not codified
9113.46	Ord. 2343	Not codified
9113.48	Ord. 2343	Not codified
9113.50	Ord. 2343	Not codified
9121.02	Ord. 2343	Not codified
9121.04	Ord. 2343	Not codified
9121.06	Ord. 2343	Not codified
9121.08	Ord. 2343	Not codified
9122.02	Ord. 2343	Not codified
9122.04	Ord. 2343	Not codified
9122.06	Ord. 2343	Not codified

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Prior Code §	Ordinance History	Herein
9122.08	Ord. 2343	Not codified
9122.10	Ord. 2343	Not codified
9122.12	Ord. 2343	Not codified
9122.14	Ord. 2343	Not codified
9122.16	Ord. 2343	Not codified
9122.18	Ord. 2343	Not codified
9122.20	Ord. 2343	Not codified
9122.22	Ord. 2343	Not codified
9122.24	Ord. 2343	Not codified
9122.26	Ord. 2343	Not codified
9122.28	Ord. 2343	Not codified
9122.30	Ord. 2343	Not codified
9122.32	Ord. 2343	Not codified
9123.02	Ord. 2343	Not codified
9123.04	Ord. 2343	Not codified
9123.06	Ord. 2343	Not codified
9123.08	Ord. 2343	Not codified
9123.10	Ord. 2343	Not codified
9123.12	Ord. 2343	Not codified
9123.14	Ord. 2343	Not codified
9123.16	Ord. 2343	Not codified
9123.18	Ord. 2343	Not codified
9123.20	Ord. 2343	Not codified
9123.22	Ord. 2343	Not codified
9123.24	Ord. 2343	Not codified
9123.26	Ord. 2343	Not codified
9123.28	Ord. 2343	Not codified
9124.02	Ord. 2343	Not codified
9124.04	Ord. 2343	Not codified
9124.06	Ord. 2343	Not codified
9124.08	Ord. 2343	Not codified
9124.10	Ord. 2343	Not codified
9124.12	Ord. 2343	Not codified
9125.02	Ord. 2343	Not codified
9125.04	Ord. 2343	Not codified
9125.06	Ord. 2343	Not codified
9125.08	Ord. 2343	Not codified
9125.10	Ord. 2343	Not codified
9125.12	Ord. 2343	Not codified
9125.14	Ord. 2343	Not codified
9125.16	Ord. 2343	Not codified
9125.18	Ord. 2343	Not codified
9125.20	Ord. 2343	Not codified
9125.22	Ord. 2343	Not codified
9126.02	Ord. 2343	Not codified
9126.04	Ord. 2343	Not codified
9126.06	Ord. 2343	Not codified
9126.08	Ord. 2343	Not codified
9126.10	Ord. 2343	Not codified
9126.12	Ord. 2343	Not codified

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Prior Code §	Ordinance History	Herein
9127.02	Ord. 2343	Not codified
9127.04	Ord. 2343	Not codified
9127.06	Ord. 2343	Not codified
9127.08	Ord. 2343	Not codified
9127.10	Ord. 2343	Not codified
9127.12	Ord. 2343	Not codified
9127.14	Ord. 2343	Not codified
9127.16	Ord. 2343	Not codified
9127.18	Ord. 2343	Not codified
9127.20	Ord. 2343	Not codified
9127.22	Ord. 2343	Not codified
9127.24	Ord. 2343	Not codified
9127.26	Ord. 2343	Not codified
9127.28	Ord. 2343	Not codified
9127.30	Ord. 2343	Not codified
9128.02	Ord. 2343	Not codified
9128.04	Ord. 2343	Not codified
9128.06	Ord. 2343	Not codified
9129.02	Ord. 2343	Not codified
9129.04	Ord. 2343	Not codified
9129.06	Ord. 2343	Not codified
9129.08	Ord. 2343	Not codified
9129.10	Ord. 2343	Not codified
9129.12	Ord. 2343	Not codified
9131.02	Ord. 2343	Not codified
9131.04	Ord. 2343	Not codified
9132.02	Ord. 2343	Not codified
9132.04	Ord. 2343	Not codified
9132.06	Ord. 2343	Not codified
9132.08	Ord. 2343	Not codified
9132.10	Ord. 2343	Not codified
9132.12	Ord. 2343	Not codified
9132.14	Ord. 2343	Not codified
9132.16	Ord. 2343	Not codified
9132.18	Ord. 2343	Not codified
9132.20	Ord. 2343	Not codified
9132.22	Ord. 2343	Not codified
9132.24	Ord. 2343	Not codified
9132.26	Ord. 2343	Not codified
9132.28	Ord. 2343	Not codified
9132.30	Ord. 2343	Not codified
9132.32	Ord. 2343	Not codified
9132.34	Ord. 2343	Not codified
9132.36	Ord. 2343	Not codified
9132.38	Ord. 2343	Not codified
9132.40	Ord. 2343	Not codified
9132.42	Ord. 2343	Not codified
9132.44	Ord. 2343	Not codified
9132.46	Ord. 2343	Not codified
9133.02	Ord. 2343	Not codified

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Prior Code §	Ordinance History	Herein
9133.04	Ord. 2343	Not codified
9133.06	Ord. 2343	Not codified
9133.08	Ord. 2343	Not codified
9133.10	Ord. 2343	Not codified
9133.12	Ord. 2343	Not codified
9134.02	Ord. 2343	Not codified
9134.04	Ord. 2343	Not codified
9134.06	Ord. 2343	Not codified
9134.08	Ord. 2343	Not codified
9134.10	Ord. 2343	Not codified
9134.12	Ord. 2343	Not codified
9134.14	Ord. 2343	Not codified
9134.16	Ord. 2343	Not codified
9134.18	Ord. 2343	Not codified
9141.02	Ord. 2343	Not codified
9141.04	Ord. 2343	Not codified
9141.06	Ord. 2343	Not codified
9141.08	Ord. 2343	Not codified
9141.10	Ord. 2343	Not codified
9141.12	Ord. 2343	Not codified
9141.14	Ord. 2343	Not codified
9141.16	Ord. 2343	Not codified
9142.02	Ord. 2343	Not codified
9142.04	Ord. 2343	Not codified
9142.06	Ord. 2343	Not codified
9151	Ord. 2312	Not codified
9152	Ord. 2312	Not codified
9153	Ord. 2312	Not codified
9154	Ord. 2312	Not codified
9211.02	Ord. 2394	Not codified
9211.04	Ord. 2394	Not codified
9212.02	Ord. 2394	Not codified
9212.04	Ord. 2394	Not codified
9212.06	Ord. 2394	Not codified
9212.08	Ord. 2394	Not codified
9212.10	Ord. 2394	Not codified
9212.12	Ord. 2394	Not codified
9212.14	Ord. 2394	Not codified
9212.16	Ord. 2394	Not codified
9212.18	Ord. 2394	Not codified
9212.20	Ord. 2394	Not codified
9212.22	Ord. 2394	Not codified
9212.24	Ord. 2394	Not codified
9212.26	Ord. 2394	Not codified
9212.28	Ord. 2394	Not codified
9212.30	Ord. 2394	Not codified
9212.31	Ord. 2446	Not codified
9212.32	Ord. 2394	Not codified
9212.34	Ord. 2394	Not codified
9212.36	Ord. 2394	Not codified

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Prior Code §	Ordinance History	Herein
9212.38	Ord. 2394	Not codified
9212.40	Ord. 2394	Not codified
9212.42	Ord. 2394	Not codified
9212.44	Ord. 2394	Not codified
9212.46	Ord. 2394	Not codified
9212.48	Ord. 2394	Not codified
9212.50	Ord. 2394	Not codified
9212.52	Ord. 2394	Not codified
9212.54	Ord. 2394	Not codified
9212.56	Ord. 2394	Not codified
9212.58	Ord. 2394	Not codified
9212.60	Ord. 2394	Not codified
9212.62	Ord. 2394	Not codified
9212.64	Ord. 2394	Not codified
9212.66	Ord. 2394	Not codified
9212.68	Ord. 2394	Not codified
9212.70	Ord. 2394	Not codified
9212.72	Ord. 2394	Not codified
9212.74	Ord. 2394	Not codified
9212.76	Ord. 2394	Not codified
9212.78	Ord. 2394; Ord. 2408	Not codified
9212.80	Ord. 2394	Not codified
9212.82	Ord. 2394	Not codified
9212.84	Ord. 2394	Not codified
9212.86	Ord. 2394	Not codified
9212.88	Ord. 2394	Not codified
9212.90	Ord. 2394	Not codified
9212.92	Ord. 2394	Not codified
9212.94	Ord. 2394	Not codified
9212.96	Ord. 2394	Not codified
9212.98	Ord. 2394	Not codified
9212.100	Ord. 2394	Not codified
9212.102	Ord. 2394	Not codified
9212.104	Ord. 2394	Not codified
9212.106	Ord. 2394	Not codified
9212.108	Ord. 2394	Not codified
9212.112	Ord. 2394	Not codified
9212.114	Ord. 2394	Not codified
9212.116	Ord. 2394	Not codified
9212.118	Ord. 2394	Not codified
9212.120	Ord. 2394	Not codified
9212.122	Ord. 2394	Not codified
9212.124	Ord. 2394	Not codified
9212.126	Ord. 2394	Not codified
9212.128	Ord. 2394	Not codified
9212.130	Ord. 2394	Not codified
9212.132	Ord. 2394	Not codified
9212.134	Ord. 2394	Not codified
9212.136	Ord. 2394	Not codified
9212.138	Ord. 2394	Not codified

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Prior Code §	Ordinance History	Herein
9212.140	Ord. 2394	Not codified
9212.142	Ord. 2394	Not codified
9212.144	Ord. 2394	Not codified
9212.146	Ord. 2394	Not codified
9212.148	Ord. 2394	Not codified
9212.150	Ord. 2394	Not codified
9212.152	Ord. 2394	Not codified
9212.154	Ord. 2394	Not codified
9212.156	Ord. 2394	Not codified
9212.158	Ord. 2394	Not codified
9212.160	Ord. 2394	Not codified
9212.162	Ord. 2394	Not codified
9212.164	Ord. 2394	Not codified
9212.166	Ord. 2394	Not codified
9212.168	Ord. 2394	Not codified
9212.170	Ord. 2394	Not codified
9212.172	Ord. 2394	Not codified
9212.174	Ord. 2394	Not codified
9212.176	Ord. 2394	Not codified
9212.178	Ord. 2394	Not codified
9212.180	Ord. 2394	Not codified
9212.182	Ord. 2394	Not codified
9213.02	Ord. 2394	Not codified
9213.04	Ord. 2394	Not codified
9213.06	Ord. 2394	Not codified
9213.08	Ord. 2394	Not codified
9213.10	Ord. 2394	Not codified
9213.12	Ord. 2394	Not codified
9213.14	Ord. 2394	Not codified
9213.16	Ord. 2394	Not codified
9213.18	Ord. 2394	Not codified
9213.20	Ord. 2394	Not codified
9213.22	Ord. 2394	Not codified
9213.24	Ord. 2394	Not codified
9213.26	Ord. 2394	Not codified
9213.28	Ord. 2394	Not codified
9213.30	Ord. 2394	Not codified
9213.32	Ord. 2394	Not codified
9213.34	Ord. 2394	Not codified
9214.02	Ord. 2394	Not codified
9214.04	Ord. 2394	Not codified
9214.06	Ord. 2394	Not codified
9214.08	Ord. 2394	Not codified
9214.10	Ord. 2394	Not codified
9214.12	Ord. 2394	Not codified
9214.14	Ord. 2394	Not codified
9214.16	Ord. 2394	Not codified
9214.18	Ord. 2394; Ord. 2416; Ord. 2443	Not codified
9214.20	Ord. 2394	Not codified
9215.02	Ord. 2394	Not codified

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Prior Code §	Ordinance History	Herein
9215.04	Ord. 2394	Not codified
9215.06	Ord. 2394	Not codified
9215.08	Ord. 2394	Not codified
9215.10	Ord. 2394	Not codified
9215.12	Ord. 2394	Not codified
9215.14	Ord. 2394	Not codified
9215.16	Ord. 2394	Not codified
9215.18	Ord. 2394	Not codified
9215.20	Ord. 2394	Not codified
9216.02	Ord. 1684; Ord. 2417	Not codified
9216.04	Ord. 1684; Ord. 2417	Not codified
9216.06	Ord. 1684; Ord. 2417	Not codified
9216.08	Ord. 1684; Ord. 2417	Not codified
9216.10	Ord. 1684; Ord. 2417	Not codified
9216.12	Ord. 1684; Ord. 2417	Not codified
9216.14	Ord. 1684; Ord. 2417	Not codified
9216.16	Ord. 1684; Ord. 2417	Not codified
9216.18	Ord. 1684; Ord. 2417	Not codified
9216.20	Ord. 1684; Ord. 2417	Not codified
9216.22	Ord. 1684; Ord. 2417	Not codified
9216.24	Ord. 1684; Ord. 2417	Not codified
9216.26	Ord. 1684; Ord. 2417	Not codified
9217.02	Ord. 2394	Not codified
9217.04	Ord. 2394	Not codified
9217.06	Ord. 2394	Not codified
9217.08	Ord. 2394	Not codified
9217.10	Ord. 2394	Not codified
9217.12	Ord. 2394	Not codified
9217.14	Ord. 2394	Not codified
9217.16	Ord. 2394	Not codified
9218.02	Ord. 2394	Not codified
9218.04	Ord. 2394	Not codified
9218.06	Ord. 2394	Not codified
9218.08	Ord. 2394	Not codified
9218.10	Ord. 2394	Not codified
9218.12	Ord. 2394	Not codified
9221	Ord. 641; Ord. 1531	Not codified
9221.1	Ord. 641; Ord. 1531	Not codified
9221.1.1	Ord. 641; Ord. 1531; Ord. 1583	Not codified
9221.1.2	Ord. 641; Ord. 1531; Ord. 1583	Not codified
9221.1.3	Ord. 641; Ord. 1531; Ord. 1583	Not codified
9221.1.4	Ord. 641; Ord. 1531; Ord. 1583	Not codified
9221.2	Ord. 641; Ord. 1531	Not codified
9221.2.1	Ord. 641; Ord. 1531	Not codified
9221.2.2	Ord. 641; Ord. 1531	Not codified
9221.3	Ord. 641; Ord. 1531; Ord. 2293; Ord. 2312; Res. 7321	Not codified
9221.4	Ord. 641; Ord. 1531	Not codified
9221.5	Ord. 641; Ord. 1531	Not codified
9221.6	Ord. 641; Ord. 1531	Not codified

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Prior Code §	Ordinance History	Herein
9221.6.1	Ord. 641; Ord. 943; Ord. 1506; Ord. 1531; Ord. 1800; Ord. 1862; Ord. 2293; Ord. 2312; Res. 7321	Not codified
9221.6.2	Ord. 641; Ord. 943; Ord. 1506; Ord. 1531; Ord. 1862; Ord. 2188; Ord. 2293; Ord. 2312	Not codified
9221.6.3	Ord. 641; Ord. 943; Ord. 1506; Ord. 1531; Ord. 1800; Ord. 2188; Ord. 2293; Ord. 2312; Res. 7321	Not codified
9221.6.4	Ord. 641; Ord. 1506; Ord. 1531; Ord. 1800; Ord. 2188; Ord. 2293; Ord. 2312; Res. 7321	Not codified
9221.7	Ord. 641; Ord. 1531	Not codified
9221.8	Ord. 641; Ord. 1531	Not codified
9221.8.1	Ord. 641; Ord. 1531	Not codified
9221.8.2	Ord. 641; Ord. 1531	Not codified
9221.8.3	Ord. 641; Ord. 1531	Not codified
9221.9	Ord. 641; Ord. 1531	Not codified
9221.10	Ord. 641; Ord. 1531	Not codified
9221.10.1	Ord. 641; Ord. 1531	Not codified
9221.10.2	Ord. 641; Ord. 1531	Not codified
9221.10.3	Ord. 641; Ord. 1531	Not codified
9221.11	Ord. 641; Ord. 1531	Not codified
9221.12	Ord. 641; Ord. 1531	Not codified
9221.12.1	Ord. 641; Ord. 927; Ord. 1531; Ord. 2154	Not codified
9221.12.2	Ord. 641; Ord. 1531	Not codified
9221.12.3	Ord. 641; Ord. 1531; Ord. 2293	Not codified
9221.12.4	Ord. 2293	Not codified
9221.12.5	Ord. 2293; Ord. 2312; Res. 7321	Not codified
9221.13	Ord. 641; Ord. 1531	Not codified
9221.13.1	Ord. 641; Ord. 927; Ord. 1531	Not codified
9221.13.2	Ord. 641; Ord. 1531	Not codified
9221.14	Ord. 641; Ord. 1531	Not codified
9221.14.1	Ord. 641; Ord. 1467; Ord. 1531; Ord. 1579	Not codified
9221.14.2	Ord. 641; Ord. 1531	Not codified
9221.14.3	Ord. 641; Ord. 1531	Not codified
9221.15	Ord. 641; Ord. 1531	Not codified
9221.15.1	Ord. 641; Ord. 1304; Ord. 1531	Not codified
9221.15.2	Ord. 641; Ord. 1531; Ord. 1715; Ord. 2152	Not codified
9221.15.3	Ord. 641; Ord. 1531; Ord. 1715	Not codified
9221.15.4	Ord. 2257	Not codified
9221.16	Ord. 641; Ord. 1531; Ord. 1586	Not codified
9221.17	Ord. 641; Ord. 1531; Ord. 2311	Not codified
9221.17.1	Ord. 641; Ord. 1531	Not codified
9221.18	Ord. 641; Ord. 1060; Ord. 1531	Not codified
9221.18.1	Ord. 1506	Not codified
9224.02	Ord. 641; Ord. 1531; Ord. 2446	Not codified

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Prior Code §	Ordinance History	Herein
9224.04	Ord. 641; Ord. 1531; Ord. 2446	Not codified
9224.06	Ord. 641; Ord. 1531; Ord. 2446	Not codified
9224.08	Ord. 641; Ord. 1531; Ord. 2446	Not codified
9224.10	Ord. 641; Ord. 1531; Ord. 2446	Not codified
9224.12	Ord. 641; Ord. 1531; Ord. 2446	Not codified
9224.14	Ord. 641; Ord. 1531; Ord. 2446	Not codified
9224.16	Ord. 641; Ord. 1531; Ord. 2446	Not codified
9224.18	Ord. 641; Ord. 1531; Ord. 2446	Not codified
9224.20	Ord. 641; Ord. 1531; Ord. 2446	Not codified
9224.22	Ord. 641; Ord. 1531; Ord. 2446	Not codified
9225.02	Ord. 2451	Not codified
9225.04	Ord. 2451	Not codified
9225.06	Ord. 2451	Not codified
9225.08	Ord. 2451	Not codified
9225.10	Ord. 2451	Not codified
9225.12	Ord. 2451	Not codified
9225.14	Ord. 2451	Not codified
9225.16	Ord. 2451	Not codified
9225.18	Ord. 2451	Not codified
9225.20	Ord. 2451	Not codified
9226	Ord. 641; Ord. 1531	Not codified
9226.1	Ord. 641; Ord. 1531	Not codified
9226.2	Ord. 1476	Not codified
9226.3	Ord. 641; Ord. 1531	Not codified
9226.4	Ord. 641; Ord. 1531	Not codified
9226.5	Ord. 641; Ord. 1486; Ord. 1531; Ord. 1833; Ord. 2188; Ord. 2312; Res. 7321	Not codified
9226.5.1	Ord. 1833	Not codified
9226.6	Ord. 641; Ord. 1531	Not codified
9226.7	Ord. 641; Ord. 1531	Not codified
9228	Ord. 1611	Not codified
9228.1	Ord. 1611	Not codified
9228.2	Ord. 1611	Not codified
9231	Ord. 641; Ord. 1185; Ord. 1507; Ord. 1531; Ord. 2237	Not codified
9232	Ord. 641; Ord. 1185; Ord. 1531	Not codified
9232.1	Ord. 641; Ord. 1185; Ord. 1531	Not codified
9232.2	Ord. 641; Ord. 1185; Ord. 1531	Not codified
9232.3	Ord. 641; Ord. 1185; Ord. 1531	Not codified
9232.4	Ord. 641; Ord. 1185; Ord. 1531	Not codified
9232.5	Ord. 641; Ord. 1185; Ord. 1531	Not codified
9232.6	Ord. 641; Ord. 1185; Ord. 1531	Not codified
9233	Ord. 641; Ord. 1531; Ord. 2433	Not codified
9234	Ord. 2451	Not codified
9234.1	Ord. 641; Ord. 1531; Ord. 2451	Not codified
9234.2	Ord. 641; Ord. 1531; Ord. 2451	Not codified
9234.3	Ord. 641; Ord. 1531; Ord. 2451	Not codified
9234.4	Ord. 641; Ord. 1531; Ord. 2451	Not codified
9241.1	Ord. 641; Ord. 1531	Not codified

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Prior Code §	Ordinance History	Herein
9241.1.1	Ord. 641; Ord. 1040; Ord. 1136; Ord. 1531	Not codified
9241.1.2	Ord. 641; Ord. 1531	Not codified
9241.1.3	Ord. 641; Ord. 1531	Not codified
9241.1.6	Ord. 641; Ord. 1531	Not codified
9241.1.7	Ord. 641; Ord. 1531	Not codified
9241.1.8	Ord. 641; Ord. 1531	Not codified
9241.1.9	Ord. 971; Ord. 1531	Not codified
9241.1.10	Ord. 1464; Ord. 1531	Not codified
9241.1.11	Ord. 1677	Not codified
9241.2	Ord. 641; Ord. 1531	Not codified
9241.2.1	Ord. 641; Ord. 1531	Not codified
9241.2.2	Ord. 641; Ord. 1136; Ord. 1531	Not codified
9241.2.3	Ord. 641; Ord. 1531	Not codified
9241.2.4	Ord. 641; Ord. 1531	Not codified
9241.2.5	Ord. 641; Ord. 1136; Ord. 1531	Not codified
9241.2.6	Ord. 641; Ord. 1136; Ord. 1531; Ord. 2101	Not codified
9241.2.7	Ord. 1136; Ord. 1531; Ord. 2101	Not codified
9241.2.8	Ord. 1624	Not codified
9241.2.9	Ord. 641; Ord. 1531	Not codified
9241.2.10	Ord. 2143	Not codified
9242.1	Ord. 641; Ord. 1531	Not codified
9242.1.1	Ord. 641; Ord. 1464; Ord. 1531; Ord. 1759	Not codified
9242.1.3	Ord. 641; Ord. 1531	Not codified
9242.1.4	Ord. 641; Ord. 1531	Not codified
9242.1.5	Ord. 971; Ord. 1531	Not codified
9242.2	Ord. 641; Ord. 1531	Not codified
9242.2.1	Ord. 641; Ord. 1531; Ord. 1690	Not codified
9242.2.2	Ord. 1040; Ord. 1531	Not codified
9243.1	Ord. 1390; Ord. 1531	Not codified
9243.1.1	Ord. 1390; Ord. 1531; Ord. 1797	Not codified
9243.1.2	Ord. 1390; Ord. 1531	Not codified
9243.1.3	Ord. 1390; Ord. 1531; Ord. 1677	Not codified
9243.1.4	Ord. 1390; Ord. 1531	Not codified
9243.1.5	Ord. 1390; Ord. 1531; Ord. 1759	Not codified
9243.1.6	Ord. 1390; Ord. 1531	Not codified
9243.2	Ord. 1390; Ord. 1531	Not codified
9243.2.1	Ord. 1390; Ord. 1531	Not codified
9243.2.2	Ord. 1390; Ord. 1531	Not codified
9243.2.3	Ord. 1390; Ord. 1531	Not codified
9243.2.4	Ord. 1390; Ord. 1531	Not codified
9243.2.5	Ord. 1390; Ord. 1531	Not codified
9243.2.6	Ord. 1390; Ord. 1531	Not codified
9243.2.7	Ord. 1390; Ord. 1531	Not codified
9243.2.8	Ord. 1624	Not codified
9243.2.9	Ord. 1390; Ord. 1531	Not codified
9243.2.10	Ord. 1390; Ord. 1531	Not codified
9243.2.11	Ord. 1390; Ord. 1531	Not codified

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Prior Code §	Ordinance History	Herein
9243.2.12	Ord. 2143	Not codified
9244.1	Ord. 641; Ord. 1531; Ord. 2022	Not codified
9244.1.1	Ord. 641; Ord. 1531	Not codified
9244.1.2	Ord. 641; Ord. 1040; Ord. 1531; Ord. 1945; Ord. 2328	Not codified
9244.1.3	Ord. 641; Ord. 1531	Not codified
9244.1.4	Ord. 971; Ord. 1531	Not codified
9244.2	Ord. 641; Ord. 1531; 2022	Not codified
9244.2.1	Ord. 641; Ord. 1531	Not codified
9244.2.2	Ord. 641; Ord. 1531	Not codified
9244.2.4	Ord. 641; Ord. 1531; Ord. 1945; Ord. 2077	Not codified
9244.2.5	Ord. 641; Ord. 1136; Ord. 1531; Ord. 1945	Not codified
9244.2.5.1	Ord. 1611	Not codified
9244.2.6	Ord. 641; Ord. 1531; Ord. 1945; Ord. 2097; Ord. 2328	Not codified
9244.2.7	Ord. 641; Ord. 1136; Ord. 1149; Ord. 1531	Not codified
9244.2.8	Ord. 1149; Ord. 1531	Not codified
9244.2.9	Ord. 641; Ord. 1531	Not codified
9244.2.10	Ord. 1624; Ord. 2022; Ord. 2077	Not codified
9244.2.11	Ord. 1945; Ord. 2022; Ord. 2077; Ord. 2245	Not codified
9244.2.12	Ord. 1945	Not codified
9244.2.13	Ord. 1945; Ord. 2022	Not codified
9244.2.14	Ord. 1945; Ord. 2022; Ord. 2143	Not codified
9244.2.15	Ord. 2022	Not codified
9244.2.16	Ord. 2022	Not codified
9244.2.17	Ord. 2022; Ord. 2143	Not codified
9245.1	Ord. 641; Ord. 1531; Ord. 2022	Not codified
9245.1.1	Ord. 641; Ord. 1531	Not codified
9245.1.2	Ord. 641; Ord. 883; Ord. 1531	Not codified
9245.1.3	Ord. 641; Ord. 1531	Not codified
9245.1.4	Ord. 971; Ord. 1531	Not codified
9245.2	Ord. 641; Ord. 1531; Ord. 2022	Not codified
9245.2.1	Ord. 641; Ord. 1531; Ord. 1630	Not codified
9245.2.2	Ord. 641; Ord. 1531; Ord. 1926	Not codified
9245.2.4	Ord. 641; Ord. 1531; Ord. 1791; Ord. 2077	Not codified
9245.2.5	Ord. 641; Ord. 1136; Ord. 1531; Ord. 1611	Not codified
9245.2.5.1	Ord. 1611	Not codified
9245.2.6	Ord. 641; Ord. 883; Ord. 1531; Ord. 1611; Ord. 1926; Ord. 1945; Ord. 2097; Ord. 2245; Ord. 2301	Not codified
9245.2.7	Ord. 641; Ord. 1136; Ord. 1149; Ord. 1531	Not codified
9245.2.8	Ord. 1149	Not codified
9245.2.9	Ord. 641; Ord. 1531	Not codified

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Prior Code §	Ordinance History	Herein
9245.2.10	Ord. 1624; Ord. 2022; Ord. 2077	Not codified
9245.2.11	Ord. 1791; Ord. 1926; Ord. 2022; Ord. 2077; Ord. 2245	Not codified
9245.2.12	Ord. 1791	Not codified
9245.2.13	Ord. 1791; Ord. 2022	Not codified
9245.2.14	Ord. 1791; Ord. 1926; Ord. 1945; Ord. 2022; Ord. 2143	Not codified
9245.2.15	Ord. 1791	Not codified
9245.2.16	Ord. 2022	Not codified
9245.2.17	Ord. 2022	Not codified
9245.2.18	Ord. 2022; Ord. 2143	Not codified
9246.1	Ord. 641; Ord. 1531; Ord. 2022	Not codified
9246.1.1	Ord. 641; Ord. 1531	Not codified
9246.1.3	Ord. 641; Ord. 1531	Not codified
9246.1.4	Ord. 971; Ord. 1531	Not codified
9246.2	Ord. 641; Ord. 1531; Ord. 2022	Not codified
9246.2.2	Ord. 641; Ord. 1531; Ord. 1926	Not codified
9246.2.4	Ord. 641; Ord. 1531; Ord. 1791; Ord. 2077	Not codified
9246.2.5	Ord. 641; Ord. 1136; Ord. 1531 Ord. 1926	Not codified
9246.2.5.1	Ord. 1611	Not codified
9246.2.6	Ord. 641; Ord. 883; Ord. 1531; Ord. 1926; Ord. 1945; Ord. 2097	Not codified
9246.2.7	Ord. 641; Ord. 1136; Ord. 1149; Ord. 1531	Not codified
9246.2.8	Ord. 1149; Ord. 1531	Not codified
9246.2.9	Ord. 641; Ord. 1531	Not codified
9246.2.10	Ord. 1611	Not codified
9246.2.11	Ord. 1624; Ord. 2022; Ord. 2077	Not codified
9246.2.12	Ord. 1791; Ord. 1926; Ord. 2022; Ord. 2077; Ord. 2245	Not codified
9246.2.13	Ord. 1791	Not codified
9246.2.14	Ord. 1791; Ord. 2022	Not codified
9246.2.15	Ord. 1791; Ord. 1926; Ord. 1945; Ord. 2022; Ord. 2143	Not codified
9246.2.16	Ord. 1791	Not codified
9246.2.17	Ord. 2022	Not codified
9246.2.18	Ord. 2022	Not codified
9246.2.19	Ord. 2022; Ord. 2143	Not codified
9247.1	Ord. 2237	Not codified
9247.1.1	Ord. 2237	Not codified
9247.2	Ord. 2237	Not codified
9247.2.1	Ord. 2237	Not codified
9247.2.2	Ord. 2237	Not codified
9247.2.3	Ord. 2237	Not codified
9247.2.4	Ord. 2237	Not codified
9247.2.5	Ord. 2237	Not codified
9251.1	Ord. 641; Ord. 1531	Not codified

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Prior Code §	Ordinance History	Herein
9251.1.2	Ord. 641; Ord. 1531	Not codified
9251.1.3	Ord. 1493; Ord. 1531	Not codified
9251.1.4	Ord. 1493; Ord. 1531	Not codified
9251.1.5	Ord. 1493; Ord. 1531	Not codified
9251.1.6	Ord. 1493; Ord. 1531	Not codified
9251.1.7	Ord. 1493; Ord. 1531	Not codified
9251.1.8	Ord. 1493; Ord. 1531	Not codified
9251.1.9	Ord. 1493; Ord. 1531	Not codified
9251.1.10	Ord. 1493; Ord. 1531	Not codified
9251.1.11	Ord. 641; Ord. 1531	Not codified
9251.1.12	Ord. 971; Ord. 1531	Not codified
9251.2	Ord. 641; Ord. 1531	Not codified
9251.2.2	Ord. 641; Ord. 1531; Ord. 1630; Ord. 1654	Not codified
9251.2.3	Ord. 641; Ord. 1531; Ord. 1716	Not codified
9251.2.4	Ord. 641; Ord. 1531; Ord. 1990	Not codified
9251.2.5	Ord. 641; Ord. 1301; Ord. 1531	Not codified
9251.2.6	Ord. 641; Ord. 1531	Not codified
9251.2.7	Ord. 641; Ord. 1531	Not codified
9251.2.10	Ord. 2109	Not codified
9251.2.11	Ord. 2109	Not codified
9251.2.12	Ord. 2109	Not codified
9251.2.13	Ord. 2109	Not codified
9252.1	Ord. 2237	Not codified
9252.1.1	Ord. 2237	Not codified
9252.1.2	Ord. 2237	Not codified
9252.2	Ord. 2237	Not codified
9252.2.1	Ord. 2237	Not codified
9252.2.2	Ord. 2237	Not codified
9252.2.3	Ord. 2237	Not codified
9253.1	Ord. 641; Ord. 1531; Ord. 2110; Ord. 2237	Not codified
9253.1.1	Ord. 641; Ord. 1531; Ord. 2110; Ord. 2237	Not codified
9253.1.2	Ord. 641; Ord. 1531; Ord. 2110; Ord. 641; Ord. 1531; Ord. 2110; Ord. 2237	Not codified
9253.1.3	Ord. 641; Ord. 1531; Ord. 2110; Ord. 2237	Not codified
9253.1.4	Ord. 641; Ord. 1531; Ord. 2110; Ord. 2237	Not codified
9253.1.5	Ord. 641; Ord. 1531; Ord. 2110; Ord. 2237	Not codified
9253.1.6	Ord. 641; Ord. 1531; Ord. 2110; Ord. 2237	Not codified
9253.1.7	Ord. 641; Ord. 1531; Ord. 2110; Ord. 2237	Not codified
9253.1.8	Ord. 641; Ord. 1531; Ord. 2110; Ord. 2237	Not codified
9253.1.9	Ord. 641; Ord. 1493; Ord. 1531;	Not codified

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Prior Code §	Ordinance History	Herein
9253.1.10	Ord. 2110; Ord. 2237 Ord. 641; Ord. 1531; Ord. 2110; Ord. 2237	Not codified
9253.1.11	Ord. 641; Ord. 1531; Ord. 2110; Ord. 2237	Not codified
9253.1.12	Ord. 641; Ord. 997; Ord. 1531; Ord. 2110; Ord. 2237	Not codified
9253.1.12.1	Ord. 2003	Not codified
9253.1.13	Ord. 641; Ord. 1531; Ord. 2110; Ord. 2237	Not codified
9253.1.14	Ord. 641; Ord. 1531; Ord. 2110; Ord. 2237	Not codified
9253.1.16	Ord. 641; Ord. 1531; Ord. 2110; Ord. 2237	Not codified
9253.1.17	Ord. 641; Ord. 1531; Ord. 2110; Ord. 2237	Not codified
9253.1.19	Ord. 641; Ord. 1531; Ord. 2110; Ord. 2237	Not codified
9253.1.20	Ord. 641; Ord. 1531; Ord. 2110; Ord. 2237	Not codified
9253.1.21	Ord. 641; Ord. 1531; Ord. 2013; Ord. 2110; Ord. 2237	Not codified
9253.1.22	Ord. 641; Ord. 1531; Ord. 2110; Ord. 2237	Not codified
9253.1.23	Ord. 641; Ord. 1531; Ord. 2110; Ord. 2237	Not codified
9253.1.24	Ord. 641; Ord. 1531; Ord. 2110; Ord. 2237	Not codified
9253.1.25	Ord. 641; Ord. 1531; Ord. 2110; Ord. 2237	Not codified
9253.1.27	Ord. 641; Ord. 1370; Ord. 1531; Ord. 2110; Ord. 2237	Not codified
9253.1.28	Ord. 2309	Not codified
9253.2	Ord. 641; Ord. 1531; Ord. 2237	Not codified
9253.2.1	Ord. 641; Ord. 1531; Ord. 2237	Not codified
9253.2.2	Ord. 641; Ord. 1531; Ord. 2237	Not codified
9253.2.3	Ord. 641; Ord. 1531; Ord. 2237	Not codified
9253.2.4	Ord. 641; Ord. 1531; Ord. 2237	Not codified
9253.2.5	Ord. 641; Ord. 1531; Ord. 1630; Ord. 1654; Ord. 2237	Not codified
9253.2.6	Ord. 641; Ord. 1531; Ord. 1716; Ord. 2237	Not codified
9253.2.7	Ord. 641; Ord. 1531; Ord. 1990; Ord. 2237	Not codified
9253.2.8	Ord. 641; Ord. 1301; Ord. 1531; Ord. 2237	Not codified
9253.2.9	Ord. 641; Ord. 1531; Ord. 2237	Not codified
9253.2.10	Ord. 641; Ord. 1531; Ord. 2237	Not codified
9253.2.12	Ord. 2109; Ord. 2237	Not codified
9253.2.13	Ord. 2109; Ord. 2237	Not codified

CROSS-REFERENCE TABLE

Prior Code §	Ordinance History	Herein
9253.2.14	Ord. 2109; Ord. 2237	Not codified
9253.2.15	Ord. 2109; Ord. 2237	Not codified
9254.1	Ord. 641; Ord. 1531; Ord. 2237	Not codified
9254.1.1	Ord. 641; Ord. 1531; Ord. 2237	Not codified
9254.1.2	Ord. 641; Ord. 1531; Ord. 2237	Not codified
9254.1.3	Ord. 1370	Not codified
9254.1.4	Ord. 641; Ord. 1531; Ord. 2237	Not codified
9254.1.5	Ord. 641; Ord. 1531; Ord. 2237	Not codified
9254.1.6	Ord. 641; Ord. 1531; Ord. 2237	Not codified
9254.1.7	Ord. 641; Ord. 1531; Ord. 2237	Not codified
9254.1.8	Ord. 641; Ord. 1531; Ord. 2237	Not codified
9254.1.9	Ord. 641; Ord. 1531; Ord. 2237	Not codified
9254.1.10	Ord. 641; Ord. 1531; Ord. 2237	Not codified
9254.1.11	Ord. 641; Ord. 1531; Ord. 2237	Not codified
9254.1.12	Ord. 641; Ord. 1370; Ord. 1531; Ord. 2237	Not codified
9254.1.13	Ord. 641; Ord. 1531; Ord. 2237	Not codified
9254.1.14	Ord. 641; Ord. 1531; Ord. 2237	Not codified
9254.1.16	Ord. 641; Ord. 1531; Ord. 2237	Not codified
9254.1.17	Ord. 641; Ord. 1531; Ord. 2237	Not codified
9254.1.18	Ord. 2027; Ord. 2237	Not codified
9254.1.19	Ord. 641; Ord. 1531; Ord. 2237	Not codified
9254.1.21	Ord. 641; Ord. 1370; Ord. 1531; Ord. 2237	Not codified
9254.1.22	Ord. 641; Ord. 1531; Ord. 2237	Not codified
9254.1.23	Ord. 641; Ord. 1531; Ord. 1633; Ord. 2028; Ord. 2237	Not codified
9254.1.25	Ord. 641; Ord. 1370; Ord. 1531; Ord. 2237	Not codified
9254.1.26	Ord. 641; Ord. 1370; Ord. 1531; Ord. 2237	Not codified
9254.1.27	Ord. 1457; Ord. 1531; Ord. 2237	Not codified
9254.1.28	Ord. 1911; Ord. 2237	Not codified
9254.2	Ord. 641; Ord. 1531; Ord. 2237	Not codified
9254.2.2	Ord. 641; Ord. 1531; Ord. 1716; Ord. 2237	Not codified
9254.2.3	Ord. 641; Ord. 1531; Ord. 1990; Ord. 2237	Not codified
9254.2.4	Ord. 641; Ord. 1301; Ord. 1531; Ord. 2237	Not codified
9254.2.5	Ord. 641; Ord. 1531; Ord. 2237	Not codified
9254.2.6	Ord. 641; Ord. 1531; Ord. 2237	Not codified
9254.2.8	Ord. 2109; Ord. 2237	Not codified
9254.2.9	Ord. 2109; Ord. 2237	Not codified
9254.2.10	Ord. 2109; Ord. 2237	Not codified
9254.2.11	Ord. 2109; Ord. 2237	Not codified
9255.1	Ord. 2237	Not codified
9255.1.1	Ord. 2237	Not codified
9255.1.2	Ord. 2237	Not codified
9255.1.3	Ord. 2237	Not codified

TABLES

Prior Code §	Ordinance History	Herein
9255.1.4	Ord. 2237	Not codified
9255.1.5	Ord. 2237	Not codified
9255.1.6	Ord. 2237	Not codified
9255.1.7	Ord. 2237	Not codified
9255.1.8	Ord. 2237	Not codified
9255.1.9	Ord. 2237	Not codified
9255.1.10	Ord. 2237	Not codified
9255.1.11	Ord. 2237	Not codified
9255.1.12	Ord. 2237	Not codified
9255.1.13	Ord. 2237	Not codified
9255.1.14	Ord. 2237	Not codified
9255.1.15	Ord. 2237	Not codified
9255.1.16	Ord. 2237	Not codified
9255.1.17	Ord. 2237	Not codified
9255.1.18	Ord. 2237	Not codified
9255.1.19	Ord. 2237	Not codified
9255.1.20	Ord. 2237	Not codified
9255.1.21	Ord. 2237	Not codified
9255.1.22	Ord. 2237	Not codified
9255.1.23	Ord. 2237	Not codified
9255.1.24	Ord. 2309	Not codified
9255.2	Ord. 2237	Not codified
9255.2.1	Ord. 2237	Not codified
9255.2.2	Ord. 2237	Not codified
9255.2.3	Ord. 2237	Not codified
9255.2.4	Ord. 2237	Not codified
9255.2.5	Ord. 2237	Not codified
9255.2.6	Ord. 2237	Not codified
9256.1	Ord. 2237	Not codified
9256.1.1	Ord. 2237	Not codified
9256.1.2	Ord. 2237	Not codified
9256.1.3	Ord. 2237	Not codified
9256.1.4	Ord. 2237	Not codified
9256.1.5	Ord. 2237	Not codified
9256.1.6	Ord. 2237	Not codified
9256.1.7	Ord. 2237; Ord. 2250	Not codified
9256.2	Ord. 2237	Not codified
9256.2.1	Ord. 2237	Not codified
9256.2.2	Ord. 2237	Not codified
9256.2.3	Ord. 2237	Not codified
9256.2.4	Ord. 2237	Not codified
9256.2.5	Ord. 2237	Not codified
9257.1	Ord. 2237	Not codified
9257.1.1	Ord. 2237	Not codified
9257.1.2	Ord. 2237	Not codified
9257.1.3	Ord. 2237	Not codified
9257.1.4	Ord. 2237	Not codified
9257.1.5	Ord. 2237	Not codified
9257.2	Ord. 2237	Not codified
9257.2.1	Ord. 2237	Not codified

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Prior Code §	Ordinance History	Herein
9257.2.2	Ord. 2237	Not codified
9257.2.3	Ord. 2237	Not codified
9257.2.4	Ord. 2237	Not codified
9257.2.7	Ord. 2237	Not codified
9258.1	Ord. 641; Ord. 1531; Ord. 2237	Not codified
9258.1.1	Ord. 641; Ord. 1531; Ord. 2237	Not codified
9258.1.2	Ord. 641; Ord. 1531; Ord. 2237	Not codified
9258.1.3	Ord. 641; Ord. 1531; Ord. 2237	Not codified
9258.1.4	Ord. 641; Ord. 1531; Ord. 2237	Not codified
9258.1.7	Ord. 1370; Ord. 1531; Ord. 2237	Not codified
9258.1.8	Ord. 641; Ord. 1531; Ord. 2237	Not codified
9258.1.9	Ord. 641; Ord. 1531; Ord. 2237	Not codified
9258.1.10	Ord. 641; Ord. 1531; Ord. 2237	Not codified
9258.1.11	Ord. 641; Ord. 1531; Ord. 2237	Not codified
9258.1.11.1	Ord. 1747; Ord. 2237	Not codified
9258.1.12	Ord. 641; Ord. 1531; Ord. 2237	Not codified
9258.1.13	Ord. 641; Ord. 1370; Ord. 1531; Ord. 2078; Ord. 2237	Not codified
9258.1.14.1	Ord. 1757; Ord. 2237	Not codified
9258.1.15	Ord. 641; Ord. 1531; Ord. 2237	Not codified
9258.1.16	Ord. 641; Ord. 1531; Ord. 2237	Not codified
9258.1.17	Ord. 1370; Ord. 1531; Ord. 2078; Ord. 2237	Not codified
9258.1.18	Ord. 641; Ord. 1531; Ord. 2237	Not codified
9258.1.19	Ord. 641; Ord. 1531; Ord. 2237	Not codified
9258.1.20	Ord. 641; Ord. 1531; Ord. 2237	Not codified
9258.1.21.1	Ord. 2078; Ord. 2237	Not codified
9258.1.22	Ord. 641; Ord. 1370; Ord. 1531; Ord. 2237	Not codified
9258.1.23	Ord. 641; Ord. 1531; Ord. 2237	Not codified
9258.1.24	Ord. 641; Ord. 1531; Ord. 2237	Not codified
9258.1.25	Ord. 2119; Ord. 2237	Not codified
9258.1.26	Ord. 2408; Ord. 2237	Not codified
9258.2	Ord. 641; Ord. 1531; Ord. 2237	Not codified
9258.2.2	Ord. 641; Ord. 1531; Ord. 1716; Ord. 2237	Not codified
9258.2.3	Ord. 641; Ord. 1531; Ord. 1990; Ord. 2237	Not codified
9258.2.4	Ord. 641; Ord. 1301; Ord. 1531; Ord. 2237	Not codified
9258.2.5	Ord. 641; Ord. 1531; Ord. 2237	Not codified
9258.2.6	Ord. 641; Ord. 1531; Ord. 2237	Not codified
9258.2.8	Ord. 2109; Ord. 2237	Not codified
9258.2.9	Ord. 2109; Ord. 2237	Not codified
9258.2.10	Ord. 2109; Ord. 2237	Not codified
9258.2.11	Ord. 2109; Ord. 2237	Not codified
9259.1	Ord. 2237	Not codified
9259.1.1	Ord. 2237	Not codified
9259.1.2	Ord. 2237	Not codified
9259.1.3	Ord. 2237	Not codified

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Prior Code §	Ordinance History	Herein
9259.1.4	Ord. 2237	Not codified
9259.1.5	Ord. 2237	Not codified
9259.1.6	Ord. 2237	Not codified
9259.1.7	Ord. 2237	Not codified
9259.1.8	Ord. 2237	Not codified
9259.2	Ord. 2237	Not codified
9259.2.1	Ord. 2237	Not codified
9259.2.2	Ord. 2237	Not codified
9259.2.3	Ord. 2237	Not codified
9259.2.4	Ord. 2237	Not codified
9259.2.5	Ord. 2237	Not codified
9259.2.8	Ord. 2237	Not codified
9259.2.9	Ord. 2237	Not codified
9259.2.10	Ord. 2237	Not codified
9260.1	Ord. 786; Ord. 1531; Ord. 2237	Not codified
9260.1.1	Ord. 786; Ord. 1531; Ord. 1591; Ord. 1828; Ord. 2237	Not codified
9260.1.2	Ord. 786; Ord. 1531; Ord. 2237	Not codified
9260.1.3	Ord. 786; Ord. 1531; Ord. 2237	Not codified
9260.1.3.1	Ord. 1591; Ord. 2237	Not codified
9260.1.4	Ord. 786; Ord. 1531; Ord. 2237	Not codified
9260.1.5	Ord. 786; Ord. 1531; Ord. 2237	Not codified
9260.1.6	Ord. 786; Ord. 1531; Ord. 2237	Not codified
9260.1.7	Ord. 786; Ord. 1531; Ord. 2237	Not codified
9260.1.8	Ord. 786; Ord. 1531; Ord. 2237	Not codified
9260.1.9	Ord. 786; Ord. 1531; Ord. 2237	Not codified
9260.1.10	Ord. 786; Ord. 1531; Ord. 2237	Not codified
9260.1.10.1	Ord. 1591; Ord. 2237	Not codified
9260.1.12	Ord. 786; Ord. 1531; Ord. 2237	Not codified
9260.1.13	Ord. 786; Ord. 1531; Ord. 2237	Not codified
9260.1.14	Ord. 786; Ord. 1531; Ord. 2237	Not codified
9260.1.14.1	Ord. 1591; Ord. 2237	Not codified
9260.1.15	Ord. 1370; Ord. 1531; Ord. 2237	Not codified
9260.1.16	Ord. 786; Ord. 1531; Ord. 2237	Not codified
9260.1.17	Ord. 786; Ord. 1531; Ord. 2237	Not codified
9260.1.17.1	Ord. 1591; Ord. 2237	Not codified
9260.1.18	Ord. 786; Ord. 1531; Ord. 2237	Not codified
9260.1.18.1	Ord. 1591; Ord. 2237	Not codified
9260.1.19	Ord. 786; Ord. 1531; Ord. 2237	Not codified
9260.1.20	Ord. 786; Ord. 1531; Ord. 2237	Not codified
9260.1.21	Ord. 1370; Ord. 1531; Ord. 2237	Not codified
9260.1.23	Ord. 1370; Ord. 1531; Ord. 2237	Not codified
9260.1.24	Ord. 786; Ord. 1531; Ord. 2237	Not codified
9260.1.26	Ord. 786; Ord. 1531; Ord. 1848; Ord. 2237	Not codified
9260.1.27	Ord. 786; Ord. 1531; Ord. 2237	Not codified
9260.1.28	Ord. 786; Ord. 1531; Ord. 2237	Not codified
9260.2	Ord. 641; Ord. 1531; Ord. 2237	Not codified
9260.2.2	Ord. 641; Ord. 1531; Ord. 1716; Ord. 2237	Not codified

CROSS-REFERENCE TABLE

Prior Code §	Ordinance History	Herein
9260.2.3	Ord. 641; Ord. 1531; 1990; Ord. 2217; Ord. 2237	Not codified
9260.2.4	Ord. 641; Ord. 1531; Ord. 2217; Ord. 2237	Not codified
9260.2.5	Ord. 641; Ord. 1531; Ord. 2237	Not codified
9260.2.6	Ord. 641; Ord. 1531; Ord. 2237	Not codified
9260.2.8	Ord. 2109; Ord. 2237	Not codified
9260.2.9	Ord. 2109; Ord. 2237	Not codified
9260.2.10	Ord. 2109; Ord. 2237	Not codified
9260.2.11	Ord. 2109; Ord. 2237	Not codified
9261.1	Ord. 641; Ord. 1531	Not codified
9261.1.1	Ord. 641; Ord. 1410; Ord. 1531 Ord. 1828	Not codified
9261.1.2	Ord. 641; Ord. 1531	Not codified
9261.1.3	Ord. 641; Ord. 1531	Not codified
9261.1.4	Ord. 641; Ord. 1531	Not codified
9261.1.5	Ord. 641; Ord. 1531	Not codified
9261.1.6	Ord. 641; Ord. 1531	Not codified
9261.1.7	Ord. 641; Ord. 1531	Not codified
9261.1.8	Ord. 641; Ord. 1531	Not codified
9261.1.9	Ord. 641; Ord. 1531	Not codified
9261.1.10	Ord. 641; Ord. 1531	Not codified
9261.1.11	Ord. 641; Ord. 1531	Not codified
9261.1.12	Ord. 641; Ord. 1531	Not codified
9261.1.13	Ord. 641; Ord. 1531	Not codified
9261.1.14	Ord. 641; Ord. 1531	Not codified
9261.1.15	Ord. 641; Ord. 1531	Not codified
9261.1.16	Ord. 641; Ord. 1531	Not codified
9261.1.17	Ord. 641; Ord. 1531	Not codified
9261.1.18	Ord. 641; Ord. 1531	Not codified
9261.1.19	Ord. 641; Ord. 1531	Not codified
9261.1.20	Ord. 641; Ord. 1531	Not codified
9261.1.22	Ord. 641; Ord. 786; Ord. 1531	Not codified
9261.1.23	Ord. 641; Ord. 1531	Not codified
9261.1.24	Ord. 641; Ord. 1531	Not codified
9261.1.25	Ord. 1370; Ord. 1531	Not codified
9261.1.26	Ord. 641; Ord. 1531	Not codified
9261.1.27	Ord. 641; Ord. 1531	Not codified
9261.1.28	Ord. 641; Ord. 1531	Not codified
9261.1.29	Ord. 641; Ord. 1531	Not codified
9261.1.30	Ord. 641; Ord. 1531	Not codified
9261.1.31	Ord. 641; Ord. 1531	Not codified
9261.1.32	Ord. 641; Ord. 1531	Not codified
9261.1.32.1	Ord. 1633	Not codified
9261.1.33	Ord. 641; Ord. 1531	Not codified
9261.1.34	Ord. 641; Ord. 1531	Not codified
9261.1.35	Ord. 641; Ord. 1531	Not codified
9261.1.36	Ord. 641; Ord. 1531	Not codified
9261.1.37	Ord. 641; Ord. 1531	Not codified
9261.1.38	Ord. 641; Ord. 1531	Not codified

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Prior Code §	Ordinance History	Herein
9261.1.39	Ord. 641; Ord. 1531	Not codified
9261.1.40	Ord. 641; Ord. 1531	Not codified
9261.1.41	Ord. 641; Ord. 1531	Not codified
9261.1.42	Ord. 641; Ord. 1531	Not codified
9261.1.43	Ord. 641; Ord. 1531	Not codified
9261.1.44	Ord. 641; Ord. 1531	Not codified
9261.1.45	Ord. 641; Ord. 1531	Not codified
9261.1.46	Ord. 641; Ord. 1531	Not codified
9261.1.47	Ord. 641; Ord. 1531	Not codified
9261.1.48	Ord. 641; Ord. 1531	Not codified
9261.1.49	Ord. 641; Ord. 1531	Not codified
9261.1.50	Ord. 1370; Ord. 1531	Not codified
9261.1.51	Ord. 641; Ord. 1531	Not codified
9261.1.52	Ord. 641; Ord. 1531	Not codified
9261.1.53	Ord. 641; Ord. 1531	Not codified
9261.1.54	Ord. 641; Ord. 1531	Not codified
9261.1.55	Ord. 641; Ord. 1531	Not codified
9261.1.56	Ord. 641; Ord. 1531	Not codified
9261.1.57	Ord. 641; Ord. 1531	Not codified
9261.1.58	Ord. 641; Ord. 1531	Not codified
9261.1.59	Ord. 641; Ord. 1531	Not codified
9261.1.60	Ord. 641; Ord. 1531	Not codified
9261.1.61	Ord. 641; Ord. 1531	Not codified
9261.1.62	Ord. 641; Ord. 1531	Not codified
9261.1.63	Ord. 641; Ord. 1531	Not codified
9261.1.64	Ord. 641; Ord. 1531	Not codified
9261.1.65	Ord. 641; Ord. 1531	Not codified
9261.1.66	Ord. 641; Ord. 1531	Not codified
9261.1.67	Ord. 641; Ord. 1531	Not codified
9261.1.68	Ord. 641; Ord. 1531	Not codified
9261.1.69	Ord. 641; Ord. 1531	Not codified
9261.1.70	Ord. 641; Ord. 1531	Not codified
9261.1.71	Ord. 641; Ord. 1531	Not codified
9261.1.72	Ord. 641; Ord. 1531	Not codified
9261.1.73	Ord. 641; Ord. 1531	Not codified
9261.1.74	Ord. 641; Ord. 1531	Not codified
9261.1.75	Ord. 641; Ord. 1531	Not codified
9261.1.76	Ord. 641; Ord. 1531	Not codified
9261.1.77	Ord. 641; Ord. 1531	Not codified
9261.1.78	Ord. 641; Ord. 1531	Not codified
9261.1.79	Ord. 641; Ord. 1531	Not codified
9261.1.80	Ord. 641; Ord. 1531	Not codified
9261.1.81	Ord. 641; Ord. 1531	Not codified
9261.1.82	Ord. 641; Ord. 1531	Not codified
9261.1.83	Ord. 641; Ord. 1531	Not codified
9261.1.84	Ord. 641; Ord. 1531	Not codified
9261.1.85	Ord. 641; Ord. 1531	Not codified
9261.1.86	Ord. 641; Ord. 1531	Not codified
9261.1.87	Ord. 641; Ord. 1531	Not codified
9261.1.88	Ord. 641; Ord. 1531	Not codified

CROSS-REFERENCE TABLE

Prior Code §	Ordinance History	Herein
9261.1.89	Ord. 641; Ord. 1531	Not codified
9261.1.90	Ord. 641; Ord. 1531	Not codified
9261.1.91	Ord. 641; Ord. 1531	Not codified
9261.1.92	Ord. 641; Ord. 1531	Not codified
9261.1.93	Ord. 1370; Ord. 1531	Not codified
9261.1.94	Ord. 641; Ord. 1531	Not codified
9261.1.96	Ord. 641; Ord. 1531	Not codified
9261.1.96.1	Ord. 2078	Not codified
9261.1.96.2	Ord. 2078	Not codified
9261.1.97	Ord. 641; Ord. 1531	Not codified
9261.1.98	Ord. 641; Ord. 1531	Not codified
9261.1.99	Ord. 641; Ord. 1370; Ord. 1531	Not codified
9261.1.100	Ord. 641; Ord. 1531	Not codified
9261.1.101	Ord. 641; Ord. 1531; Ord. 1713	Not codified
9261.1.102	Ord. 1370; Ord. 1531; Ord. 1713	Not codified
9261.1.103	Ord. 641; Ord. 1531	Not codified
9261.1.104	Ord. 641; Ord. 1531	Not codified
9261.1.105	Ord. 1457; Ord. 1531	Not codified
9261.2	Ord. 641; Ord. 1531	Not codified
9261.2.1	Ord. 641; Ord. 1531	Not codified
9261.2.3	Ord. 641; Ord. 1531; Ord. 1716	Not codified
9261.2.4	Ord. 641; Ord. 1531; Ord. 1990; Ord. 2217	Not codified
9261.2.5	Ord. 641; Ord. 1531; Ord. 2217	Not codified
9261.2.6	Ord. 641; Ord. 1531	Not codified
9261.2.7	Ord. 641; Ord. 1531	Not codified
9261.2.8	Ord. 2109	Not codified
9261.2.9	Ord. 2109	Not codified
9261.2.10	Ord. 2109	Not codified
9261.2.11	Ord. 2109	Not codified
9262.1	Ord. 641; Ord. 1531	Not codified
9262.1.1	Ord. 641; Ord. 1531; Ord. 1828	Not codified
9262.1.2	Ord. 641; Ord. 1531	Not codified
9262.1.3	Ord. 641; Ord. 1531	Not codified
9262.1.4	Ord. 641; Ord. 1531	Not codified
9262.1.5	Ord. 641; Ord. 1531	Not codified
9262.1.6	Ord. 641; Ord. 1531	Not codified
9262.1.7	Ord. 641; Ord. 1531	Not codified
9262.1.8	Ord. 641; Ord. 1531	Not codified
9262.1.9	Ord. 641; Ord. 1531	Not codified
9262.1.11	Ord. 1370; Ord. 1531	Not codified
9262.1.12	Ord. 641; Ord. 1531	Not codified
9262.1.13	Ord. 641; Ord. 1531	Not codified
9262.1.14	Ord. 641; Ord. 1531	Not codified
9262.1.15	Ord. 641; Ord. 1531	Not codified
9262.1.16	Ord. 641; Ord. 1531	Not codified
9262.1.17	Ord. 641; Ord. 1531	Not codified
9262.1.18	Ord. 641; Ord. 1531	Not codified
9262.1.19	Ord. 641; Ord. 1531	Not codified
9262.1.20	Ord. 641; Ord. 1370; Ord. 1531	Not codified

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Prior Code §	Ordinance History	Herein
9262.1.21	Ord. 1208; Ord. 1370; Ord. 1531	Not codified
9262.1.22	Ord. 641; Ord. 1531	Not codified
9262.1.23	Ord. 641; Ord. 1531	Not codified
9262.1.24	Ord. 641; Ord. 1531	Not codified
9262.1.25	Ord. 641; Ord. 1531	Not codified
9262.1.26	Ord. 641; Ord. 1531	Not codified
9262.1.27	Ord. 641; Ord. 1531	Not codified
9262.1.28	Ord. 1370; Ord. 1531	Not codified
9262.1.29	Ord. 641; Ord. 1531	Not codified
9262.1.30	Ord. 641; Ord. 1531	Not codified
9262.1.31	Ord. 641; Ord. 1531	Not codified
9262.1.32	Ord. 641; Ord. 1531	Not codified
9262.1.33	Ord. 641; Ord. 1531	Not codified
9262.1.35	Ord. 825; Ord. 1370; Ord. 1531	Not codified
9262.1.36	Ord. 825; Ord. 1370; Ord. 1531	Not codified
9262.2	Ord. 641; Ord. 1531	Not codified
9262.2.2	Ord. 641; Ord. 1531; Ord. 1716	Not codified
9262.2.3	Ord. 641; Ord. 1531; Ord. 1990; Ord. 2217	Not codified
9262.2.4	Ord. 641; Ord. 1531; Ord. 2217	Not codified
9262.2.5	Ord. 641; Ord. 1531	Not codified
9262.2.6	Ord. 641; Ord. 1531	Not codified
9262.2.7	Ord. 2109	Not codified
9262.2.8	Ord. 2109	Not codified
9262.2.9	Ord. 2109	Not codified
9262.2.10	Ord. 2109	Not codified
9263.1	Ord. 641; Ord. 1531	Not codified
9263.1.1	Ord. 641; Ord. 1531; Ord. 1828	Not codified
9263.1.2	Ord. 641; Ord. 1531	Not codified
9263.1.3	Ord. 641; Ord. 1531	Not codified
9263.1.4	Ord. 641; Ord. 1531	Not codified
9263.1.5	Ord. 641; Ord. 1531	Not codified
9263.1.6	Ord. 641; Ord. 1531	Not codified
9263.1.7	Ord. 641; Ord. 1531	Not codified
9263.1.8	Ord. 641; Ord. 1531	Not codified
9263.1.9	Ord. 641; Ord. 1531	Not codified
9263.1.10	Ord. 641; Ord. 1531	Not codified
9263.1.11	Ord. 641; Ord. 1531	Not codified
9263.1.12	Ord. 641; Ord. 1531	Not codified
9263.1.13	Ord. 641; Ord. 1531	Not codified
9263.1.14	Ord. 641; Ord. 1531	Not codified
9263.1.15	Ord. 641; Ord. 1531	Not codified
9263.1.16	Ord. 641; Ord. 1531	Not codified
9263.1.17	Ord. 641; Ord. 1531	Not codified
9263.1.18	Ord. 641; Ord. 1531	Not codified
9263.1.19	Ord. 641; Ord. 1531	Not codified
9263.1.20	Ord. 641; Ord. 1531	Not codified
9263.1.21	Ord. 641; Ord. 1531	Not codified
9263.1.22	Ord. 641; Ord. 1531	Not codified
9263.1.23	Ord. 641; Ord. 1531	Not codified

CROSS-REFERENCE TABLE

Prior Code §	Ordinance History	Herein
9263.1.24	Ord. 641; Ord. 1531	Not codified
9263.1.25	Ord. 641; Ord. 1208; Ord. 1531	Not codified
9263.1.26	Ord. 641; Ord. 1531	Not codified
9263.1.27	Ord. 641; Ord. 1531	Not codified
9263.1.28	Ord. 641; Ord. 1531	Not codified
9263.1.29	Ord. 641; Ord. 1531	Not codified
9263.1.30	Ord. 641; Ord. 1531	Not codified
9263.1.31	Ord. 641; Ord. 1531	Not codified
9263.1.32	Ord. 641; Ord. 1531	Not codified
9263.1.33	Ord. 641; Ord. 1531	Not codified
9263.1.34	Ord. 641; Ord. 1531	Not codified
9263.1.35	Ord. 641; Ord. 1531	Not codified
9263.2	Ord. 641; Ord. 1531	Not codified
9263.2.2	Ord. 641; Ord. 1531; Ord. 1716	Not codified
9263.2.3	Ord. 641; Ord. 1531; Ord. 1990	Not codified
9263.2.4	Ord. 641; Ord. 1531	Not codified
9263.2.5	Ord. 641; Ord. 1531	Not codified
9263.2.6	Ord. 641; Ord. 1531	Not codified
9263.2.7	Ord. 1633	Not codified
9263.2.8	Ord. 2109	Not codified
9263.2.9	Ord. 2109	Not codified
9263.2.10	Ord. 2109	Not codified
9263.2.11	Ord. 2109	Not codified
9271	Ord. 641; Ord. 1531	Not codified
9271.1	Ord. 641; Ord. 1531	Not codified
9271.1.1	Ord. 641; Ord. 1531	Not codified
9271.1.2	Ord. 641; Ord. 1531	Not codified
9271.2	Ord. 641; Ord. 1531	Not codified
9271.2.1	Ord. 641; Ord. 1531	Not codified
9271.2.2	Ord. 1896	Not codified
9272	Ord. 641; Ord. 1531	Not codified
9272.1	Ord. 641; Ord. 1531	Not codified
9272.1.1	Ord. 641; Ord. 1531	Not codified
9272.1.2	Ord. 641; Ord. 1531	Not codified
9272.1.3	Ord. 641; Ord. 1531	Not codified
9272.1.4	Ord. 641; Ord. 1531	Not codified
9272.1.5	Ord. 641; Ord. 1531	Not codified
9272.1.6	Ord. 641; Ord. 1531	Not codified
9272.1.7	Ord. 641; Ord. 1531	Not codified
9272.1.8	Ord. 641; Ord. 1531	Not codified
9272.1.9	Ord. 641; Ord. 1531	Not codified
9272.2	Ord. 641; Ord. 1531	Not codified
9272.2.1	Ord. 641; Ord. 1531	Not codified
9272.2.2	Ord. 641; Ord. 1531	Not codified
9273	Ord. 641; Ord. 1531	Not codified
9273.1	Ord. 641; Ord. 1531	Not codified
9273.2	Ord. 641; Ord. 1531	Not codified
9273.2.1	Ord. 641; Ord. 1531	Not codified
9273.3	Ord. 641; Ord. 1531	Not codified
9274	Ord. 641; Ord. 1531	Not codified

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Prior Code §	Ordinance History	Herein
9274.1	Ord. 641; Ord. 1531	Not codified
9274.1.1	Ord. 641; Ord. 1531	Not codified
9274.1.2	Ord. 641; Ord. 1531	Not codified
9274.1.3	Ord. 641; Ord. 1531	Not codified
9274.1.4	Ord. 641; Ord. 1531	Not codified
9274.1.5	Ord. 641; Ord. 1531	Not codified
9274.1.6	Ord. 641; Ord. 1531	Not codified
9274.1.7	Ord. 641; Ord. 1531	Not codified
9274.1.8	Ord. 641; Ord. 1531	Not codified
9274.1.9	Ord. 641; Ord. 1531	Not codified
9274.1.10	Ord. 641; Ord. 1531	Not codified
9274.1.11	Ord. 641; Ord. 1531	Not codified
9274.1.12	Ord. 641; Ord. 1531	Not codified
9274.1.13	Ord. 641; Ord. 1531	Not codified
9274.1.14	Ord. 641; Ord. 1531	Not codified
9274.1.15	Ord. 641; Ord. 1531	Not codified
9274.1.16	Ord. 641; Ord. 1531	Not codified
9274.1.17	Ord. 641; Ord. 1531	Not codified
9274.1.18	Ord. 641; Ord. 1531	Not codified
9274.1.19	Ord. 641; Ord. 1531	Not codified
9274.1.20	Ord. 641; Ord. 1531	Not codified
9274.2	Ord. 641; Ord. 1531	Not codified
9275	Ord. 1975	Not codified
9275.1	Ord. 1975	Not codified
9275.1.1	Ord. 1975	Not codified
9275.1.2	Ord. 1975	Not codified
9276	Ord. 2097	Not codified
9276.1	Ord. 2097	Not codified
9276.1.1	Ord. 2097	Not codified
9276.2	Ord. 2097	Not codified
9276.2.1	Ord. 2097	Not codified
9276.2.2	Ord. 2097	Not codified
9276.2.3	Ord. 2097	Not codified
9276.2.4	Ord. 2097	Not codified
9276.3	Ord. 2097	Not codified
9276.3.1	Ord. 2097	Not codified
9276.3.2	Ord. 2097	Not codified
9276.3.3	Ord. 2097	Not codified
9276.3.4	Ord. 2097	Not codified
9276.3.5	Ord. 2097	Not codified
9276.4	Ord. 2097	Not codified
9276.5	Ord. 2097	Not codified
9276.6	Ord. 2097	Not codified
9276.7	Ord. 2097	Not codified
9276.7.1	Ord. 2097	Not codified
9276.7.2	Ord. 2097	Not codified
9276.7.3	Ord. 2097	Not codified
9276.7.4	Ord. 2097	Not codified
9281.1	Ord. 1516; Ord. 1531	Not codified
9281.1.1	Ord. 1516; Ord. 1531	Not codified

CROSS-REFERENCE TABLE

Prior Code §	Ordinance History	Herein
9281.1.2	Ord. 1516; Ord. 1531	Not codified
9281.2		Not codified
9281.2.1	Ord. 1531	Not codified
9281.2.2	Ord. 1531	Not codified
9281.3		Not codified
9281.3.1		Not codified
9281.3.2		Not codified
9281.3.3		Not codified
9281.4	Ord. 1531	Not codified
9281.4.1	Ord. 1708	Not codified
9281.4.2	Ord. 1708	Not codified
9281.4.3	Ord. 1708	Not codified
9281.4.4	Ord. 1708	Not codified
9281.4.5		Not codified
9281.4.6		Not codified
9281.4.7		Not codified
9281.4.8		Not codified
9281.4.9		Not codified
9281.5	Ord. 1531	Not codified
9281.5.1		Not codified
9281.5.2		Not codified
9281.5.3		Not codified
9281.5.4		Not codified
9281.5.5		Not codified
9281.5.6		Not codified
9281.5.7		Not codified
9281.5.8		Not codified
9281.7	Ord. 1531	Not codified
9281.7.1	Ord. 1708	Not codified
9281.7.2		Not codified
9281.7.3	Ord. 1708	Not codified
9281.7.4		Not codified
9281.8	Ord. 1708	Not codified
9282	Ord. 1531	Not codified
9282.1	Ord. 1531	Not codified
9282.2	Ord. 1531	Not codified
9282.3	Ord. 1531	Not codified
9282.4	Ord. 1531; Ord. 2206	Not codified
9282.5	Ord. 1531	Not codified
9282.6	Ord. 1531	Not codified
9282.7	Ord. 1531	Not codified
9282.8	Ord. 1531	Not codified
9282.9	Ord. 1531	Not codified
9282.10	Ord. 1531	Not codified
9282.11	Ord. 1531	Not codified
9283.1	Ord. 1624	Not codified
9283.1.1	Ord. 1624; Ord. 1959	Not codified
9283.1.2	Ord. 1624; Ord. 1959	Not codified
9283.1.3	Ord. 1624	Not codified
9283.1.4	Ord. 1624	Not codified

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Prior Code §	Ordinance History	Herein
9283.1.5	Ord. 1624	Not codified
9283.2	Ord. 1624	Not codified
9283.2.1	Ord. 1624	Not codified
9283.2.2	Ord. 1624	Not codified
9283.2.3	Ord. 1624	Not codified
9283.2.4	Ord. 1624	Not codified
9283.2.5	Ord. 1624	Not codified
9283.2.6	Ord. 1624	Not codified
9283.2.7	Ord. 1624	Not codified
9283.2.8	Ord. 1624	Not codified
9283.2.9	Ord. 1624	Not codified
9283.2.10	Ord. 1624	Not codified
9283.2.11	Ord. 1624	Not codified
9283.2.12	Ord. 1624	Not codified
9283.3	Ord. 1624	Not codified
9283.3.1	Ord. 1624	Not codified
9283.4.1	Ord. 1624	Not codified
9283.4.2	Ord. 1624	Not codified
9283.5.1	Ord. 1624	Not codified
9283.6.1	Ord. 1624	Not codified
9283.6.2	Ord. 1624	Not codified
9283.6.3	Ord. 1624	Not codified
9284.1	Ord. 1757	Not codified
9284.2	Ord. 1757	Not codified
9284.3	Ord. 1757	Not codified
9284.4	Ord. 1757	Not codified
9284.5	Ord. 1757; Ord. 2007	Not codified
9284.6	Ord. 1757	Not codified
9284.7	Ord. 1757	Not codified
9284.8	Ord. 1757	Not codified
9284.9	Ord. 1757	Not codified
9284.10	Ord. 1757	Not codified
9284.11	Ord. 1757	Not codified
9284.12	Ord. 1757	Not codified
9284.13	Ord. 1757	Not codified
9284.14	Ord. 1757	Not codified
9284.15	Ord. 1757	Not codified
9284.16	Ord. 1757	Not codified
9284.17	Ord. 1757; Ord. 2007; Ord. 2278	Not codified
9285	Ord. 2221; Ord. 2267	Not codified
9285.1	Ord. 2221	Not codified
9285.1.1	Ord. 2221	Not codified
9285.1.2	Ord. 2221	Not codified
9285.1.3	Ord. 2221	Not codified
9285.1.4	Ord. 2221	Not codified
9285.1.5	Ord. 2221	Not codified
9285.1.6	Ord. 2221	Not codified
9285.1.7	Ord. 2221	Not codified
9285.1.8	Ord. 2221	Not codified
9285.1.9	Ord. 2221	Not codified

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Prior Code §	Ordinance History	Herein
9285.1.10	Ord. 2221	Not codified
9285.1.11	Ord. 2221	Not codified
9285.1.12	Ord. 2221	Not codified
9285.1.13	Ord. 2221	Not codified
9285.1.14	Ord. 2221	Not codified
9285.1.15	Ord. 2221	Not codified
9285.1.16	Ord. 2221	Not codified
9285.1.17	Ord. 2221	Not codified
9285.1.18	Ord. 2221	Not codified
9285.1.19	Ord. 2221	Not codified
9285.1.20	Ord. 2221	Not codified
9285.1.21	Ord. 2221	Not codified
9285.1.22	Ord. 2221	Not codified
9285.1.23	Ord. 2221	Not codified
9285.1.24	Ord. 2221	Not codified
9285.1.25	Ord. 2221	Not codified
9285.1.26	Ord. 2221	Not codified
9285.2	Ord. 2221	Not codified
9285.3	Ord. 2221; Ord. 2253	Not codified
9285.4	Ord. 2221	Not codified
9286	Ord. 2257	Not codified
9286.1	Ord. 2257; Ord. 2381	Not codified
9286.2	Ord. 2257	Not codified
9286.3	Ord. 2257	Not codified
9287.02	Ord. 2395	Not codified
9287.04	Ord. 2395	Not codified
9287.06	Ord. 2395	Not codified
9287.08	Ord. 2395	Not codified
9287.10	Ord. 2395	Not codified
9287.12	Ord. 2395	Not codified
9287.14	Ord. 2395	Not codified

ORDINANCE LIST AND DISPOSITION TABLE

Ordinance Number		Ordinance Number	
1649	Declares need for redevelopment agency (2.44)	2471	Adds prior code Ch. 9 to Art. VIII, floodplain management regulations (Not codified)
2322	Imposes additional vehicle registration fees for air quality improvement (8.32)	2472	Amends prior code §§ 9214.18 and 9245.2.6, zoning (Not codified)
2373	Transportation demand management ordinance (5.92)	2473	Adds prior code Part 4 to Ch. 7 of Art. II, expenditure ceilings for candidates for elective office (Expired)
2387	Authorizes industrial development authority (2.40)	2474	Rezone (Special)
2435	Adds prior code Part 8 to Ch. 4 to Art. II, utility service user tax citizens' advisory committee (2.56)	2475	Rezone (Special)
2460	Amends schedule of waste collection service rate (Not codified)	2476	Adds prior code § 6300.23.14.2, pony rides and petting zoos (5.12)
2461	Amends prior code § 7550, sewer charges and rates (Not codified)	2477	Repeals and replaces prior code Part 1 to Ch. 1 of Art. III, fire prevention code (8.12)
2462	Adds prior code § 6399.802(a), permit-tee qualifications (5.24)	2478	Amends prior code §§ 3111, 3114.2.3, 3114.2.7, 3114.3.2, 3114.3.4, 3114.5, 3114.3.7, 3114.3.9, 3114.3.15, 3114.3.18, 3114.4.1, 3114.4.4 and 3114.4.5 ; repeals prior code §§ 3112, 3113.1, 3113.2, 3114.2.10, 3113.5, 3113.6, 3114.1, 3114.2.1, 3114.2.2, 3114.2.4, 3114.2.5, 3114.2.6, 3114.2.8, 3114.2.9, 3114.2.10, 3114.2.11, 3114.2.12, 3114.2.14, 3114.3.1, 3114.3.3, 3114.3.6, 3114.3.8, 3114.3.10, 3114.3.11, 3114.3.12, 3114.3.13, 3114.3.14, 3114.3.16, 3114.3.17, 3114.3.19 and 3114.4.3, fire prevention code (8.12)
2463	Rezone (Special)	2479	Adds prior code § 5201.1.1, illegal dumping of waste materials (8.20)
2464	Amends prior code § 9255.1.16, zoning (Not codified)	2480	Repeals prior code § 8101.7.1 (Repealer)
2465	Amends prior code §§ 6399.51.4, 6399.51.5 and 6399.51.7, garage sales (5.44)	2481	Adds prior code Part 6 to Ch. 3 of Art. IV, dayworkers (9.40)
2466	Amends prior code Part 4 to Ch. 2 of Art. IV, disorderly conduct (9.32)	2482	Urgency ordinance adding prior code Part 6 to Ch. 3 of Art. IV, dayworkers (9.40)
2467	Amends prior code Ch. 1 of Art. V, office trailers; repeals prior code §§ 5100.1, 5102, 5102.1, 5102.2, 5103, 5104, 5105, 5106, 5107, 5108 and 5110 (5.96)	2483	Repeals prior code §§ 3221—3221.15 (Repealer)
2468	Adds prior code §§ 9216.25 and 9216.27; amends prior code §§ 9216.04(B), 9216.06(M), (II), (TT) and (XX), 9216.22(G), (K) and (L) and 9216.26, zoning (Not codified)	2484	Adds prior code §§ 9223.02—9223.18, zoning (Not codified)
2469	Adds prior code Ch. 2, solid waste and recyclable material; repeals prior code Chs. 2, 4, 8 and prior code §§ 11.16.030, 11.16.060 and 11.16.110 (8.04, 8.20, 8.36)	2485	Adds prior code § 5415, further amendments to health code (8.04)
2470	Urgency ordinance adding prior code Ch. 2, solid waste and recyclable material; repeals prior code Chs. 2, 4, 8 and prior code §§ 11.16.030, 11.16.060 and 11.16.110 (8.04, 8.20, 8.36)	2486	Amends prior code § 6391, fireworks permits and stands (8.16)

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Ordinance Number

2487	Amends prior code § 6391, fireworks permits and stands (8.16)
2488	Amends prior code Part 17 to Ch. 3 of Art. VI, bingo games (5.24)
2489	Rezone (Special)
2490	Adds prior code Ch. 10 to Art. IV, fundraising events (5.40)
2491	Adds prior code Ch. 10 to Art. IV, regulation of ephedrine purchases (9.44)
2492	Rezone (Special)
2493	Adds prior code Ch. 2.6 to Art. V, exclusive waste collection and recycling services (18.12)
2494	(Number not used)
2495	Amends prior code Ch. 6 of Art. V, public nuisances (Not codified)
2496	Amends prior code § 6603.2, reporting and remitting (3.16)
2497	Amends prior code § 6603.2, reporting and remitting (3.16)
2498	Authorizes sale and discharge of fireworks for the millennium new year celebration (Not codified)
2499	Rezone (Special)
2500	Changes Lower Azusa Road to major arterial (Not codified)
2501	Rezone (Special)
2502	Amends prior code § 2307; adds prior code Part II of Ch. 2 to Art. II, office of city attorney (2.16, 2.72)
2503	Amends prior code § 2100, regular meetings (2.04)
2504	Amends prior code §§ 2307, 2309, 2310 and 2318; repeals and replaces prior code Ch. 2 of Art. II, city council-city manager government (2.12, 2.72)

ORDINANCE LIST AND DISPOSITION TABLE

Ordinance Number		Ordinance Number	
1649	Declares need for redevelopment agency (2.44)	2471	Adds prior code Ch. 9 to Art. VIII, floodplain management regulations (Not codified)
2322	Imposes additional vehicle registration fees for air quality improvement (8.32)	2472	Amends prior code §§ 9214.18 and 9245.2.6, zoning (Not codified)
2373	Transportation demand management ordinance (5.92)	2473	Adds prior code Part 4 to Ch. 7 of Art. II, expenditure ceilings for candidates for elective office (Expired)
2387	Authorizes industrial development authority (2.40)	2474	Rezone (Special)
2435	Adds prior code Part 8 to Ch. 4 to Art. II, utility service user tax citizens' advisory committee (Repealed by 2608)	2475	Rezone (Special)
2460	Amends schedule of waste collection service rate (Not codified)	2476	Adds prior code § 6300.23.14.2, pony rides and petting zoos (5.12)
2461	Amends prior code § 7550, sewer charges and rates (Not codified)	2477	Repeals and replaces prior code Part 1 to Ch. 1 of Art. III, fire prevention code (Repealed by 2646)
2462	Adds prior code § 6399.802(a), permittee qualifications (5.24)	2478	Amends prior code §§ 3111, 3114.2.3, 3114.2.7, 3114.3.2, 3114.3.4, 3114.5, 3114.3.7, 3114.3.9, 3114.3.15, 3114.3.18, 3114.4.1, 3114.4.4 and 3114.4.5; repeals prior code §§ 3112, 3113.1, 3113.2, 3114.2.10, 3113.5, 3113.6, 3114.1, 3114.2.1, 3114.2.2, 3114.2.4, 3114.2.5, 3114.2.6, 3114.2.8, 3114.2.9, 3114.2.10, 3114.2.11, 3114.2.12, 3114.2.14, 3114.3.1, 3114.3.3, 3114.3.6, 3114.3.8, 3114.3.10, 3114.3.11, 3114.3.12, 3114.3.13, 3114.3.14, 3114.3.16, 3114.3.17, 3114.3.19 and 3114.4.3, fire prevention code (Repealed by 2646)
2463	Rezone (Special)	2479	Adds prior code § 5201.1.1, illegal dumping of waste materials (Repealed by 2701)
2464	Amends prior code § 9255.1.16, zoning (Not codified)	2480	Repeals prior code § 8101.7.1 (Repealer)
2465	Amends prior code §§ 6399.51.4, 6399.51.5 and 6399.51.7, garage sales (5.44)	2481	Adds prior code Part 6 to Ch. 3 of Art. IV, day workers (9.40)
2466	Amends prior code Part 4 to Ch. 2 of Art. IV, disorderly conduct (9.32)	2482	Urgency ordinance adding prior code Part 6 to Ch. 3 of Art. IV, dayworkers (9.40)
2467	Amends prior code Ch. 1 of Art. V, office trailers; repeals prior code §§ 5100.1, 5102, 5102.1, 5102.2, 5103, 5104, 5105, 5106, 5107, 5108 and 5110 (5.96)	2483	Repeals prior code §§ 3221—3221.15 (Repealer)
2468	Adds prior code §§ 9216.25 and 9216.27; amends prior code §§ 9216.04(B), 9216.06(M), (II), (TT) and (XX), 9216.22(G), (K) and (L) and 9216.26, zoning (Not codified)	2484	Adds prior code §§ 9223.02—9223.18, zoning (Not codified)
2469	Adds prior code Ch. 2, solid waste and recyclable material; repeals prior code Chs. 2, 4, 8 and prior code §§ 11.16.030, 11.16.060 and 11.16.110 (8.04, 8.36)	2485	Adds prior code § 5415, further amendments to health code (8.04)
2470	Urgency ordinance adding prior code Ch. 2, solid waste and recyclable material; repeals prior code Chs. 2, 4, 8 and prior code §§ 11.16.030, 11.16.060 and 11.16.110 (8.04, 8.36)	2486	Amends prior code § 6391, fireworks permits and stands (8.16)

TABLES

Ordinance Number		Ordinance Number	
2487	Amends prior code § 6391, fireworks permits and stands (8.16)	2511	Rezone (Special)
2488	Amends prior code Part 17 to Ch. 3 of Art. VI, bingo games (5.24)	2512	Rezone (Special)
2489	Rezone (Special)	2513	Code adoption (1.01)
2490	Adds prior code Ch. 10 to Art. IV, fundraising events (5.40)	2514	Amends prior code § 3230, truck routes (10.12)
2491	Adds prior code Ch. 10 to Art. IV, regulation of ephedrine purchases (9.44)	2515	Adds prior code §§ 4209—4209.3, camping (9.48)
2492	Rezone (Special)	2516	Adds prior code §§ 7421—7424, water service rates (13.06)
2493	Adds prior code Ch. 2.6 to Art. V, exclusive waste collection and recycling services (18.12)	2517	Adds prior code §§ 2105—2108, city council (2.04)
2494	(Number not used)	2518	Amends Ord. 2513, code adoption (1.01)
2495	Amends prior code Ch. 6 of Art. V, public nuisances (Not codified)	2519	Amends § 10.04.040, Uniform Traffic Ordinance (10.04)
2496	Amends prior code § 6603.2, reporting and remitting (3.16)	2520	Transfers cable television franchise to Adelphia Communications Corporation (Special)
2497	Amends prior code § 6603.2, reporting and remitting (3.16)	2521	Amends Ch. 2.48, beautification commission (2.48)
2498	Authorizes sale and discharge of fireworks for the millennium new year celebration (Repealed by 2506)	2522	Adds § 17.12.110(M); amends §§ 5.08.090, 17.04.020, 17.12.150(A), 17.24.040(35), 17.70.020 and 17.70.170; rennumbers §§ 17.70.020—17.70.040 and 17.70.150—17.70.170 to be 17.70.010—17.70.060; repeals §§ 17.70.010 and 17.70.050—17.70.140, outdoor advertising structures (5.08, 17.04, 17.12, 17.24, 17.70)
2499	Rezone (Special)	2523	Amends §§ 2.04.030 and 2.08.010, salaries (2.04, 2.08)
2500	Changes Lower Azusa Road to major arterial (Not codified)	2524	Urgency ordinance authorizing an amendment to the contract between the city and the California Public Employees' Retirement System (Special)
2501	Rezone (Special)	2525	Amends §§ 17.24.040(6)—(14) and 17.68.070(B); repeals §§ 17.46.010(2), 17.54.010(4), (5), (20) and (22), 17.58.010(3) and 17.68.020(C); rennumbers §§ 17.46.010(1)—(7) to be 17.46.010(1)—(6), 17.54.010(1)—(24) to be 17.54.010(1)—(20) and 17.58.010(1)—(106) to be 17.58.010(1)—(105), auto-related land uses (17.24, 17.46, 17.54, 17.58)
2502	Amends prior code § 2307; adds prior code Part II of Ch. 2 to Art. II, office of city attorney (2.16, 2.72)	2526	Repeals and replaces §§ 2.040.010 [2.04.010] and 2.24.040, meetings (2.04, 2.24)
2503	Amends prior code § 2100, regular meetings (Repealed by 2526)		
2504	Amends prior code §§ 2307, 2309, 2310 and 2318; repeals and replaces prior code Ch. 2 of Art. II, city council-city manager government (2.12, 2.72)		
2505	Adds prior code §§ 6140.1 and 6140.2, business license fees (5.04)		
2506	Repeals Ord. 2498, sale and discharge of millennium fireworks (Repealed)		
2507	Repeals prior code § 2724, prohibited uses at recreational facilities (Repealed)		
2508	Amends prior code § 7315, excavations (12.20)		
2509	Adds prior code Ch. 8 to Art. VII, cable television regulations (18.08)		
2510	Adds prior code §§ 2741—2747, claims for money or damages (2.76)		

**Ordinance
Number**

2527 Urgency ordinance authorizing an amendment to the contract between the city and the California Public Employees' Retirement System (Special)

2528 (Number not used)

2529 Adds Ch. 13.20, stormwater and urban runoff pollution control (13.20)

2530 Amends § 17.24.020(D), zoning (17.24)

2531 Rezone (Special)

2532 Adds Title 15, buildings and construction (15.08, 15.10, 15.14, 15.22, 15.24, 15.26, 15.28, 15.30, 15.32, 15.34)

2533 Adds Title 16, subdivisions (16.02, 16.04, 16.06, 16.08, 16.10, 16.12, 16.14, 16.16, 16.18, 16.20, 16.22, 16.24, 16.26, 16.28, 16.30, 16.32, 16.34, 16.38)

2534 Adopts amended downtown El Monte redevelopment plan (Special)

2535 Amends § 10.04.030, parking (10.04)

2536 Adds Ch. 5.98; amends Ch. 17.76, adult entertainment establishments and business license regulations (5.98, 17.76)

2537 Approves general plan amendment No. 02-01 (Special)

2538 Adds §§ 12.28.240—12.28.480; amends §§ 5.12.120, 12.28.040, 12.28.060(E) and 12.28.120(E); repeals §§ 12.28.180—12.28.230, news racks (5.12, 12.28)

2539 Adds § 2.12.005; substitutes all references to City Administrator with City Manager (2.12)

2540 Adds subsection F to § 13.04.020, metered water rate commodity charges; adds subsection E to § 13.04.030, water service meter base charge (13.04)

2541 Repeals and replaces §§ 2.12.030(A) and 2.12.030(K), power of the city manager to appoint city staff and organize department structure (2.12)

2542 Adds Chs. 1.18 and 1.19, administrative and compliance citation procedures (1.18, 1.19)

**Ordinance
Number**

2543 Rezone (Special)

2544 Rezone (Special)

2545 Amends § 17.40.020(F)(1), maximum density and lot size requirements (17.40)

2546 Rezone (Special)

2547 Adds Ch. 8.10, sale of tobacco products (8.10)

2548 Renames parks and recreation commission to be parks, recreation and transportation commission (2.32)

2549 Adds Ch. 9.10, tobacco use around playgrounds (9.10)

2550 Repeals and replaces § 1.16.030, city enforcement officers (1.16)

2551 Repeals Ch. 2.52 (Repealer)

2552 Repeals and replaces § 17.14.080, property management commission (17.14)

2553 Amends §§ 13.04.020 and 13.04.030, water rates (13.04)

2554 Repeals § 3.12.170 (Repealer)

2555 Repeals §§ 3.12.150 and 3.12.160 (Repealer)

2556 Adds Ch. 8.56, uniform housing code (8.56)

2557 Adds Ch. 8.58, abatement of dangerous buildings (8.85)

2558 Adds §§ 1.18.055, 1.18.085 and 1.19.190; repeals and replaces §§ 1.18.020, 1.18.030, 1.18.060, 1.18.080, 1.18.110; repeals § 1.18.090(F), administrative and compliance citation procedures (1.18, 1.19)

2259 Adds Ch. 8.54, shopping carts (Repealed by 2691)

2560 Amends § 3.24.100, purchase order procedure (3.24)

2561 Amends § 3.24.080, availability of funds (3.24)

2562 Amends § 2.72.110, record information (2.72)

2563 Repeals and replaces Ch. 9.08, graffiti prevention, prohibition and removal (9.08)

2564 Amends § 3.24.070, contract and purchase orders (3.24)

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Ordinance Number		Ordinance Number	
2565	Approves general plan No. 01-02 (Special)	2582	Amends § 5.12.010, permit committee (5.12)
2566	Adds § 2.36.070(D); amends §§ 2.36.040(D), 2.36.050, 2.36.060(A), 2.36.070(A)(6)(e), 2.36.070(B), 2.36.070(C) and 2.36.090; repeals § 2.36.040(E), emergency services organization (2.36)	2583	Adds §§ 5.08.271 and 5.08.272, service bond and fee (5.08)
2567	(Number not used)	2584	Adopts redevelopment plan (Special)
2568	Amends §§ 13.20.010, 13.20.050, 13.20.150, 13.20.170, 13.20.190, 13.20.210 and 13.20.260; repeals §§ 13.20.180 and 13.20.200, stormwater and urban runoff pollution control (13.20)	2585	Adds § 17.06.165; amends §§ 17.08.090, 17.24.040 and 17.32.010, zoning (17.06, 17.08, 17.24, 17.32) (Number not used)
2569	Rezone (Special)	2586	Amends § 3.24.070, contracts and purchase orders (3.24)
2570	Adds Ch. 10.36, vehicular cruising (13.20)	2587	Amends El Monte Municipal Code (Not codified)
2571	Amends §§ 15.02.010, 15.16.010, 15.16.030, 15.18.020 and 15.34.010, buildings and construction (15.34)	2588	Adds §§ 1.08.030—1.08.050; amends § 1.08.010, city seal (1.08)
2572	Amends §§ 13.16.030, 13.16.040, 13.16.050, 13.16.070, 13.16.080, 13.16.100(C), 13.16.100(E), 13.16.110(E), 13.16.170(C), 13.16.230 and 13.16.250, stormwater management and discharge control (13.16)	2589	Adds Ch. 2.25, veterans and homeless affairs commission (2.25)
2573	Amends §§ 13.20.010, 13.20.050, 13.20.090, 13.20.100, 13.20.110, 13.20.120, 13.20.190(C), stormwater and urban runoff pollution control (13.20)	2590	Amends Ch. 2.32, community services commission (2.32)
2574	(Number not used)	2591	Rezone (Special)
2575	(Not passed)	2592	Amends § 1.24.010, violations of code (1.24)
2576	Amends § 17.08.040, parking stall dimensions (17.08)	2593	Amends § 17.04.020, definitions (17.04)
2577	Amends § 10.04.030, two-hour parking (10.04)	2594	Adds § 5.96.060, computer gaming or internet access centers (5.96)
2578	Urgency ordinance amending § 10.04.030, amendments (10.04)	2595	Amends Ch. 2.28, community cultural commission (2.28)
2579	Amends Ch. 2.72, personal system (2.72)	2596	Adds Ch. 2.26, patriotic commission (2.26)
2580	Adds Ch. 5.60 [5.58], seizure and forfeiture of vehicles (5.58)	2597	Amends § 17.24.030, conditionally permitted uses (17.24)
2581	Repeals and replaces §§ 1.18.020, 1.18.030, 1.18.060 and 1.18.085; repeals § 1.18.055, administrative and compliance citation procedures (1.18)	2598	Amends § 1.04.130, fire chief (1.04)
		2599	Amends §§ 1.16.030, 1.16.060, 1.16.080, 5.12.010, 8.44.040, 8.44.050, 8.44.080, 8.44.100, 8.44.120—8.44.150, position titles and division names (1.16, 5.12, 8.44) (Number not used)
		2600	Amends §§ 8.44.020 and 8.44.030, public nuisances (8.44) (Number not used)
		2601	Rezone (Special)
		2602	Amends §§ 8.44.020 and 8.44.030, public nuisances (8.44)
		2603	Rezone (Special)
		2604	Amends § 17.24.040, conditional use permit (17.24)
		2605	
		2606	
		2607	

**Ordinance
Number**

2608 Repeals Ch. 2.56, utility service tax advisory committee (Repealer)

2609 Amends Ch. 2.48, Beautification Commission (2.48)

2610 Rezone (Special)

2611 Amends § 1.12.010, general municipal election date (1.12)

2612 Approves amendment 03-03 to change General Plan land use designation (Special)

2613 Approves amendment 01-04 to change land use designation (Special)

2614 Adds Ch. 3.26, public construction cost accounting procedures (3.26)

2615 Amends § 5.12.120, approval or denial of permit (5.12)

2616 Proposes two options regarding date of city's general municipal election to be decided on by Board of Supervisors (Special)

2617 (Number not used)

2618 Extends time limit for property taxes under Redevelopment Plan (Special)

2619 Extends time limit for property taxes under Redevelopment Plan (Special)

2620 Extends time limit for property taxes under Redevelopment Plan (Special)

2621 Extends time limit for property taxes under Redevelopment Plan (Special)

2622 Extends time limit for property taxes under Redevelopment Plan (Special)

2623 Extends time limit for property taxes under Redevelopment Plan (Special)

2624 Extends time limit for property taxes under Redevelopment Plan (Special)

2625 Extends time limit for property taxes under Redevelopment Plan (Special)

2626 Extends time limit for property taxes under Redevelopment Plan (Special)

2627 (Number not used)

2628 Amends §§ 2.32.020—2.32.050 and 2.32.090, community services commission (2.32)

2629 Adds §§ 2.24.060—2.24.090; amends §§ 2.24.020—2.24.050, city planning commission (2.24)

2630 (Number not used)

2631 (Number not used)

**Ordinance
Number**

2632 Adds Ch. 12.07; amends §§ 5.12.040, 5.12.150, 5.12.160 and 5.12.240, permits (5.12, 12.07)

2633 Eliminates debt incurrence deadline for the redevelopment plan (Special)

2633A Amends §§ 13.04.020 and 13.04.030, water service system (13.04)

2634 Adds [amends] § 17.06.165; amends §§ 17.08.090, 17.24.040 and 17.32.010, zoning (17.06, 17.08, 17.24, 17.32)

2635 (Number not used)

2636 (Number not used)

2637 (Number not used)

2638 Amends § 17.08.060, zoning (17.08)

2639 Adopts negative declaration and approves general plan amendment No. 02-04 (Special)

2640 Rezone (Special)

2641 Amends §§ 6.04.010 and 6.04.030, animal control code adopted (6.04)

2642 Adds Ch. 15.07, El Monte art in public places program (15.07)

2643 (Number not used)

2644 Adds §§ 5.48.080—5.48.100; repeals and replaces § 5.48.020, hotel and motel regulations (5.48)

2645 Amends § 9.10.020, tobacco use around playgrounds (9.10)

2646 Amends Ch. 15.34; repeals Ch. 8.12, fire prevention code (15.34)

2647 Adds Ch. 2.05, filling city council vacancies (2.05)

2648 Adds Ch. 17.78; repeals § 17.06.160, zoning (17.78)

2649 (Number not used)

2650 Adopts mitigated negative declaration and approves general plan amendment No. 01-05 (Special)

2651 Amends § 1.08.010, city seal (1.08)

2652 Adopts mitigated negative declaration and approves general plan amendment No. 01-05 (Special)

2653 Amends Title 15, buildings and construction (15.06, 15.10, 15.12, 15.14, 15.22, 15.24, 15.26, 15.28, 15.30, 15.32)

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Ordinance Number		Ordinance Number	
2654	Approves general plan amendment No. 02-05 (Special)	2672	Amends §§ 17.04.020 and 17.54.010, zoning (17.04, 17.54)
2655	(Number not used)	2673	Adopts categorical exemption and approves general plan amendment No. 03-06 (Special)
2656	Amends §§ 5.12.040, 5.12.150, 5.12.160, 5.12.240 and Ch. 12.07, parades and block parties (5.12, 12.07)	2674	Amends § 8.16.030, fireworks (8.16)
2657	Urgency ordinance establishing a moratorium on the establishment and operation of medical marijuana dispensaries (Special)	2675	Urgency ordinance extending moratorium on the establishment and operation of medical marijuana dispensaries (Special)
2658	Urgency ordinance adding §§ 8.20.261—8.20.264 and amending § 8.20.010, solid waste and recyclable material (Repealed by 2701)	2676	Approves general plan amendment No. 02-05 (Special)
2659	Amends §§ 17.24.040, 17.52.010 and 17.54.010, zoning (17.24, 17.52, 17.54)	2677	(Not used)
2660	Urgency ordinance extending moratorium on the establishment and operation of medical marijuana dispensaries (Special)	2678	Adds Ch. 17.67, specific plans (17.67)
2661	Rezone (Special)	2679	Amends § 2.28.050, El Monte community cultural commission (2.28)
2662	Adds § 17.06.085; amends §§ 17.08.020, 17.32.030, 17.36.020, 17.38.030, 17.40.020 and 17.42.020; amends and renumbers § 17.06.090 to be § 17.06.095 and adding new § 17.06.090, zoning (17.06, 17.08, 17.32, 17.36, 17.38, 17.40, 17.42)	2680	Adds Ch. 9.52, proximity of registered sex offenders to children's facilities (9.52)
2663	Amends § 16.34.030, subdivisions (16.34)	2681	Amends Ch. 5.58, seizure and forfeiture of vehicles used to solicit prostitution or used to acquire or attempt to acquire controlled substances (5.58)
2664	Adds § 10.16.080, stopping, standing and parking generally (10.16)	2682	Adds §§ 12.48.030 and 12.48.070; renames title of Ch. 12.48; amends § 12.48.020; repeals and replaces §§ 12.48.050 and 12.48.060, parks and recreational facilities (12.48)
2665	Adds Ch. 15.01; repeals Chs. 15.02 and 15.04, building code (15.01)	2683	Amends Ch. 17.16, certificate of occupancy (17.16)
2666	Adds Ch. 15.02; repeals Ch. 15.16, plumbing code (Repealed by 2706)	2684	Adds Ch. 5.102, alarm systems, false alarms and penalties; amends § 5.12.270, business permits generally (5.102)
2667	Adds Ch. 15.05; repeals Chs. 15.18 and 15.20, electrical code (15.05)	2685	Amends §§ 15.07.020 and 15.07.040, El Monte art in public place program (15.07)
2668	Adds Ch. 15.03, mechanical code (15.03)	2686	Amends §§ 6.04.010 and 6.04.030, animal control code adopted (6.04)
2669	Amends § 17.34.010, zoning (17.34)	2687	Adds Ch. 5.17 and § 17.06.160, medical marijuana dispensaries; amends § 17.04.020, zoning (5.17, 17.04, 17.06)
2670	Adds Ch. 15.34, fire prevention code (15.34)	2688	Amends § 9.12.010, alcoholic beverages (9.12)
2671	Adds §§ 5.08.185 and 5.96.090; amends §§ 5.04.010 and 5.12.270, business licenses and regulations (5.04, 5.08, 5.12, 5.96)	2689	Adopts amended Valley-Durfee redevelopment project plan (Special)

**Ordinance
Number**

2690	Adopts amended downtown El Monte redevelopment plan (Special)
2691	Adds Ch. 5.25, use of shopping and laundry carts; repeals and replaces Ch. 8.54, abandoned carts, retrieval and impoundment (5.25, 8.54)
2692	Adds § 17.06.155, zoning (17.06)
2693	Amends § 8.16.030, fireworks (8.16)
2694	Adopts policy description of El Monte Community Redevelopment Agency (Special)
2695	Adds Ch. 3.22; recodifies § 3.20.050 as § 3.20.051, communication users' tax (3.20, 3.22)
2696	Adds the titles "Transportation Specialist" and "Transportation Coordinator"; substitutes references to "Vice Mayor" with "Mayor Pro Tempore," "Park Maintenance Supervisor" with "Park Maintenance Manager," "Transportation Manager" with "Transportation Services Manager," "Transportation Division" with "Transportation Services Division," and "Park Maintenance Division" with "Park Maintenance Services Division"; repeals references to "Human Resources Clerk" (2.05, 2.08)
2697	(Not used)
2698	Urgency ordinance adding § 9.12.040, alcoholic beverages (9.12)
2699	Interim urgency ordinance imposing temporary moratorium on approval of development projects (Special)
2700	Amends § 2.72.130 [2.72.140], personnel system (2.72)
2701	Amends §§ 10.16.020, 12.28.010, 12.28.020; recodifies Ch. 12.32 [§ 12.32.020] as § 8.20.267 [8.20.268], and § 8.28.020 as § 8.20.210; repeals and replaces Ch. 8.20, solid waste—removal, collection, disposal and diversion (8.20, 8.28, 10.16, 12.28, 12.32)
2702	Amends Ch. 18.12, solid waste handling franchises (18.12)

**Ordinance
Number**

2703	Adopts environmental impact report; approves amendments to 1991 general plan; creates new zoning classification "SP-1"; amends zoning map; adopts transit village specific plan (17.80)
2704	Amends § 5.25.010—5.25.070, 8.54.010—8.54.060 and 8.54.080—8.54.100, carts (5.25, 8.54)
2705	Interim urgency ordinance extending temporary moratorium on approval of development projects (Special)
2706	Repeals and replaces Ch. 15.02, plumbing code (15.02)
2707	Provisionally amends Ch. 15.03 [15.34], fire code (15.34)
2708	Amends Ch. 15.03, mechanical code (15.03)
2709	Amends Ch. 15.05, electrical code (15.05)
2710	Amends Ch. 15.01, building code (15.01)
2711	Adds Ch. 9.54, prohibition of loitering for the purpose of soliciting acts of prostitution (9.54)
2712	Repeals and replaces Ch. 15.08, public facilities impact fees (15.08)

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NEWSRACKS

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